

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2025 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive
9 change in the law. It reconciles conflicts that have arisen
10 from multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 103-584 through 103-1059 were considered
5 in the preparation of the combining revisories included in
6 this Act. Many of those combining revisories contain no
7 striking or underscoring because no additional changes are
8 being made in the material that is being combined.

9 Section 5. The Statute on Statutes is amended by changing
10 Section 1.33 as follows:

11 (5 ILCS 70/1.33) (from Ch. 1, par. 1034)

12 Sec. 1.33. Whenever there is a reference in any Act to the
13 School Construction Bond Act~~7~~, or the Illinois Coal and Energy
14 Development Bond Act, such reference shall be interpreted to
15 include the General Obligation Bond Act.

16 (Source: P.A. 103-616, eff. 7-1-24; revised 10-23-24.)

17 Section 10. The Regulatory Sunset Act is amended by
18 changing Sections 4.39 and 4.40 as follows:

19 (5 ILCS 80/4.39)

20 Sec. 4.39. Acts and Section repealed on January 1, 2029
21 and December 31, 2029.

22 (a) The following Acts and Section are repealed on January

1, 2029:

The Electrologist Licensing Act.

The Environmental Health Practitioner Licensing Act.

The Illinois Occupational ~~Occupation~~ Therapy Practice Act.

The Crematory Regulation Act.

The Illinois Public Accounting Act.

The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

Section 2.5 of the Illinois Plumbing License Law.

The Veterinary Medicine and Surgery Practice Act of 2004.

The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

(b) The following Act is repealed on December 31, 2029:

The Structural Pest Control Act.

(Source: P.A. 103-251, eff. 6-30-23; 103-253, eff. 6-30-23; 103-309, eff. 7-28-23; 103-387, eff. 7-28-23; 103-505, eff. 8-4-23; 103-605, eff. 7-1-24; revised 10-24-24.)

(5 ILCS 80/4.40)

Sec. 4.40. Acts repealed on January 1, 2030. The following Acts are repealed on January 1, 2030:

The Auction License Act.

The Genetic Counselor Licensing Act.

The Illinois Architecture Practice Act of 1989.

1 The Illinois Certified Shorthand Reporters Act of 1984.
2 The Illinois Professional Land Surveyor Act of 1989.
3 The Orthotics, Prosthetics, and Pedorthics Practice Act.
4 The Perfusionist Practice Act.
5 The Professional Engineering Practice Act of 1989.
6 The Real Estate License Act of 2000.
7 The Structural Engineering Practice Act of 1989.
8 (Source: P.A. 102-558, eff. 8-20-21; 103-763, eff. 1-1-25;
9 103-816, eff. 8-9-24; revised 11-26-24.)

10 (5 ILCS 80/4.35 rep.)

11 Section 12. The Regulatory Sunset Act is amended by
12 repealing Section 4.35.

13 Section 15. The Illinois Administrative Procedure Act is
14 amended by changing Section 5-45.52 and by setting forth,
15 renumbering, and changing multiple versions of Section 5-45.55
16 as follows:

17 (5 ILCS 100/5-45.52)

18 (Section scheduled to be repealed on August 4, 2025)

19 Sec. 5-45.52. Emergency rulemaking; Public Act 103-568. To
20 provide for the expeditious and timely implementation of
21 Public Act 103-568, emergency rules implementing Public Act
22 103-568 may be adopted in accordance with Section 5-45 by the
23 Department of Financial and Professional Regulation. The

1 adoption of emergency rules authorized by Section 5-45 and
2 this Section is deemed to be necessary for the public
3 interest, safety, and welfare.

4 This Section is repealed on August 4, 2025 ~~on December 8,~~
5 ~~2024 (Public Act 103-568).~~

6 (Source: P.A. 103-568, eff. 12-8-23; 103-601, eff. 7-1-24;
7 103-605, eff. 7-1-24; revised 7-23-24.)

8 (5 ILCS 100/5-45.55)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 5-45.55. Emergency rulemaking; the Department of
11 Natural Resources. To provide for the expeditious and timely
12 implementation of Section 13 of the Rivers, Lakes, and Streams
13 Act, emergency rules implementing Section 13 of the Rivers,
14 Lakes, and Streams Act may be adopted in accordance with
15 Section 5-45 by the Department of Natural Resources. The
16 adoption of emergency rules authorized by Section 5-45 and
17 this Section is deemed to be necessary for the public
18 interest, safety, and welfare.

19 This Section is repealed January 1, 2026 (one year after
20 the effective date of Public Act 103-905) ~~this amendatory Act~~
21 ~~of the 103rd General Assembly.~~

22 (Source: P.A. 103-905, eff. 1-1-25; revised 12-3-24.)

23 (5 ILCS 100/5-45.58)

24 (Section scheduled to be repealed on June 5, 2025)

1 Sec. 5-45.58 ~~5-45.55~~. Emergency rulemaking; Substance Use
2 Disorder Act. To provide for the expeditious and timely
3 implementation of the changes made to Section 55-30 of the
4 Substance Use Disorder Act by Public Act 103-588 ~~this~~
5 ~~amendatory Act of the 103rd General Assembly~~, emergency rules
6 implementing the changes made to that Section by Public Act
7 103-588 ~~this amendatory Act of the 103rd General Assembly~~ may
8 be adopted in accordance with Section 5-45 by the Department
9 of Human Services or other department essential to the
10 implementation of the changes. The adoption of emergency rules
11 authorized by Section 5-45 and this Section is deemed to be
12 necessary for the public interest, safety, and welfare.

13 This Section is repealed June 5, 2025 (one year after the
14 effective date of this Section).

15 (Source: P.A. 103-588, eff. 6-5-24; revised 10-3-24.)

16 (5 ILCS 100/5-45.59)

17 (Section scheduled to be repealed on June 7, 2025)

18 Sec. 5-45.59 ~~5-45.55~~. Emergency rulemaking; Medicaid
19 hospital rate updates. To provide for the expeditious and
20 timely implementation of the changes made to Section 14-12.5
21 of the Illinois Public Aid Code by Public Act 103-593 ~~this~~
22 ~~amendatory Act of the 103rd General Assembly~~, emergency rules
23 implementing the changes made by Public Act 103-593 ~~this~~
24 ~~amendatory Act of the 103rd General Assembly~~ to Section
25 14-12.5 of the Illinois Public Aid Code may be adopted in

1 accordance with Section 5-45 by the Department of Healthcare
2 and Family Services. The adoption of emergency rules
3 authorized by Section 5-45 and this Section is deemed to be
4 necessary for the public interest, safety, and welfare.

5 This Section is repealed June 7, 2025 (one year after the
6 effective date of Public Act 103-593) ~~this amendatory Act of~~
7 ~~the 103rd General Assembly.~~

8 (Source: P.A. 103-593, eff. 6-7-24; revised 10-7-24.)

9 (5 ILCS 100/5-45.60)

10 Sec. 5-45.60 ~~5-45.55~~. Emergency rulemaking; Network
11 Adequacy and Transparency Act. To provide for the expeditious
12 and timely implementation of the Network Adequacy and
13 Transparency Act, emergency rules implementing federal
14 standards for provider ratios, travel time and distance, and
15 appointment wait times if such standards apply to health
16 insurance coverage regulated by the Department of Insurance
17 and are more stringent than the State standards extant at the
18 time the final federal standards are published may be adopted
19 in accordance with Section 5-45 by the Department of
20 Insurance. The adoption of emergency rules authorized by
21 Section 5-45 and this Section is deemed to be necessary for the
22 public interest, safety, and welfare.

23 (Source: P.A. 103-650, eff. 1-1-25; revised 12-3-24.)

24 Section 20. The Freedom of Information Act is amended by

1 changing Section 7.5 as follows:

2 (5 ILCS 140/7.5)

3 Sec. 7.5. Statutory exemptions. To the extent provided for
4 by the statutes referenced below, the following shall be
5 exempt from inspection and copying:

6 (a) All information determined to be confidential
7 under Section 4002 of the Technology Advancement and
8 Development Act.

9 (b) Library circulation and order records identifying
10 library users with specific materials under the Library
11 Records Confidentiality Act.

12 (c) Applications, related documents, and medical
13 records received by the Experimental Organ Transplantation
14 Procedures Board and any and all documents or other
15 records prepared by the Experimental Organ Transplantation
16 Procedures Board or its staff relating to applications it
17 has received.

18 (d) Information and records held by the Department of
19 Public Health and its authorized representatives relating
20 to known or suspected cases of sexually transmitted
21 infection or any information the disclosure of which is
22 restricted under the Illinois Sexually Transmitted
23 Infection Control Act.

24 (e) Information the disclosure of which is exempted
25 under Section 30 of the Radon Industry Licensing Act.

1 (f) Firm performance evaluations under Section 55 of
2 the Architectural, Engineering, and Land Surveying
3 Qualifications Based Selection Act.

4 (g) Information the disclosure of which is restricted
5 and exempted under Section 50 of the Illinois Prepaid
6 Tuition Act.

7 (h) Information the disclosure of which is exempted
8 under the State Officials and Employees Ethics Act, and
9 records of any lawfully created State or local inspector
10 general's office that would be exempt if created or
11 obtained by an Executive Inspector General's office under
12 that Act.

13 (i) Information contained in a local emergency energy
14 plan submitted to a municipality in accordance with a
15 local emergency energy plan ordinance that is adopted
16 under Section 11-21.5-5 of the Illinois Municipal Code.

17 (j) Information and data concerning the distribution
18 of surcharge moneys collected and remitted by carriers
19 under the Emergency Telephone System Act.

20 (k) Law enforcement officer identification information
21 or driver identification information compiled by a law
22 enforcement agency or the Department of Transportation
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending
3 database created pursuant to Article 3 of the Residential
4 Real Property Disclosure Act, except to the extent
5 authorized under that Article.

6 (n) Defense budgets and petitions for certification of
7 compensation and expenses for court appointed trial
8 counsel as provided under Sections 10 and 15 of the
9 Capital Crimes Litigation Act (repealed). This subsection
10 (n) shall apply until the conclusion of the trial of the
11 case, even if the prosecution chooses not to pursue the
12 death penalty prior to trial or sentencing.

13 (o) Information that is prohibited from being
14 disclosed under Section 4 of the Illinois Health and
15 Hazardous Substances Registry Act.

16 (p) Security portions of system safety program plans,
17 investigation reports, surveys, schedules, lists, data, or
18 information compiled, collected, or prepared by or for the
19 Department of Transportation under Sections 2705-300 and
20 2705-616 of the Department of Transportation Law of the
21 Civil Administrative Code of Illinois, the Regional
22 Transportation Authority under Section 2.11 of the
23 Regional Transportation Authority Act, or the St. Clair
24 County Transit District under the Bi-State Transit Safety
25 Act (repealed).

26 (q) Information prohibited from being disclosed by the

1 Personnel Record Review Act.

2 (r) Information prohibited from being disclosed by the
3 Illinois School Student Records Act.

4 (s) Information the disclosure of which is restricted
5 under Section 5-108 of the Public Utilities Act.

6 (t) (Blank).

7 (u) Records and information provided to an independent
8 team of experts under the Developmental Disability and
9 Mental Health Safety Act (also known as Brian's Law).

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed
17 Carry Licensing Review Board under the Firearm Concealed
18 Carry Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (v-5) Records of the Firearm Owner's Identification
21 Card Review Board that are exempted from disclosure under
22 Section 10 of the Firearm Owners Identification Card Act.

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

3 (y) Confidential information under the Adult
4 Protective Services Act and its predecessor enabling
5 statute, the Elder Abuse and Neglect Act, including
6 information about the identity and administrative finding
7 against any caregiver of a verified and substantiated
8 decision of abuse, neglect, or financial exploitation of
9 an eligible adult maintained in the Registry established
10 under Section 7.5 of the Adult Protective Services Act.

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

15 (aa) Information which is exempted from disclosure
16 under Section 2.37 of the Wildlife Code.

17 (bb) Information which is or was prohibited from
18 disclosure by the Juvenile Court Act of 1987.

19 (cc) Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (dd) Information that is prohibited from being
23 disclosed under Section 45 of the Condominium and Common
24 Interest Community Ombudsperson Act.

25 (ee) Information that is exempted from disclosure
26 under Section 30.1 of the Pharmacy Practice Act.

1 (ff) Information that is exempted from disclosure
2 under the Revised Uniform Unclaimed Property Act.

3 (gg) Information that is prohibited from being
4 disclosed under Section 7-603.5 of the Illinois Vehicle
5 Code.

6 (hh) Records that are exempt from disclosure under
7 Section 1A-16.7 of the Election Code.

8 (ii) Information which is exempted from disclosure
9 under Section 2505-800 of the Department of Revenue Law of
10 the Civil Administrative Code of Illinois.

11 (jj) Information and reports that are required to be
12 submitted to the Department of Labor by registering day
13 and temporary labor service agencies but are exempt from
14 disclosure under subsection (a-1) of Section 45 of the Day
15 and Temporary Labor Services Act.

16 (kk) Information prohibited from disclosure under the
17 Seizure and Forfeiture Reporting Act.

18 (ll) Information the disclosure of which is restricted
19 and exempted under Section 5-30.8 of the Illinois Public
20 Aid Code.

21 (mm) Records that are exempt from disclosure under
22 Section 4.2 of the Crime Victims Compensation Act.

23 (nn) Information that is exempt from disclosure under
24 Section 70 of the Higher Education Student Assistance Act.

25 (oo) Communications, notes, records, and reports
26 arising out of a peer support counseling session

1 prohibited from disclosure under the First Responders
2 Suicide Prevention Act.

3 (pp) Names and all identifying information relating to
4 an employee of an emergency services provider or law
5 enforcement agency under the First Responders Suicide
6 Prevention Act.

7 (qq) Information and records held by the Department of
8 Public Health and its authorized representatives collected
9 under the Reproductive Health Act.

10 (rr) Information that is exempt from disclosure under
11 the Cannabis Regulation and Tax Act.

12 (ss) Data reported by an employer to the Department of
13 Human Rights pursuant to Section 2-108 of the Illinois
14 Human Rights Act.

15 (tt) Recordings made under the Children's Advocacy
16 Center Act, except to the extent authorized under that
17 Act.

18 (uu) Information that is exempt from disclosure under
19 Section 50 of the Sexual Assault Evidence Submission Act.

20 (vv) Information that is exempt from disclosure under
21 subsections (f) and (j) of Section 5-36 of the Illinois
22 Public Aid Code.

23 (ww) Information that is exempt from disclosure under
24 Section 16.8 of the State Treasurer Act.

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

1 Illinois Insurance Code.

2 (yy) Information prohibited from being disclosed under
3 the Illinois Educational Labor Relations Act.

4 (zz) Information prohibited from being disclosed under
5 the Illinois Public Labor Relations Act.

6 (aaa) Information prohibited from being disclosed
7 under Section 1-167 of the Illinois Pension Code.

8 (bbb) Information that is prohibited from disclosure
9 by the Illinois Police Training Act and the Illinois State
10 Police Act.

11 (ccc) Records exempt from disclosure under Section
12 2605-304 of the Illinois State Police Law of the Civil
13 Administrative Code of Illinois.

14 (ddd) Information prohibited from being disclosed
15 under Section 35 of the Address Confidentiality for
16 Victims of Domestic Violence, Sexual Assault, Human
17 Trafficking, or Stalking Act.

18 (eee) Information prohibited from being disclosed
19 under subsection (b) of Section 75 of the Domestic
20 Violence Fatality Review Act.

21 (fff) Images from cameras under the Expressway Camera
22 Act. This subsection (fff) is inoperative on and after
23 July 1, 2025.

24 (ggg) Information prohibited from disclosure under
25 paragraph (3) of subsection (a) of Section 14 of the Nurse
26 Agency Licensing Act.

1 (hhh) Information submitted to the Illinois State
2 Police in an affidavit or application for an assault
3 weapon endorsement, assault weapon attachment endorsement,
4 .50 caliber rifle endorsement, or .50 caliber cartridge
5 endorsement under the Firearm Owners Identification Card
6 Act.

7 (iii) Data exempt from disclosure under Section 50 of
8 the School Safety Drill Act.

9 (jjj) Information exempt from disclosure under Section
10 30 of the Insurance Data Security Law.

11 (kkk) Confidential business information prohibited
12 from disclosure under Section 45 of the Paint Stewardship
13 Act.

14 (lll) Data exempt from disclosure under Section
15 2-3.196 of the School Code.

16 (mmm) Information prohibited from being disclosed
17 under subsection (e) of Section 1-129 of the Illinois
18 Power Agency Act.

19 (nnn) Materials received by the Department of Commerce
20 and Economic Opportunity that are confidential under the
21 Music and Musicians Tax Credit and Jobs Act.

22 (ooo) ~~(nnn)~~ Data or information provided pursuant to
23 Section 20 of the Statewide Recycling Needs and Assessment
24 Act.

25 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
26 under Section 28-11 of the Lawful Health Care Activity

1 Act.

2 (ggg) ~~(nnn)~~ Information that is exempt from disclosure
3 under Section 7-101 of the Illinois Human Rights Act.

4 (rrr) ~~(mmm)~~ Information prohibited from being
5 disclosed under Section 4-2 of the Uniform Money
6 Transmission Modernization Act.

7 (sss) ~~(nnn)~~ Information exempt from disclosure under
8 Section 40 of the Student-Athlete Endorsement Rights Act.

9 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
10 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
11 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
12 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
13 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
14 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
15 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
16 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
17 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
18 103-1049, eff. 8-9-24; revised 11-26-24.)

19 Section 25. The Illinois Public Labor Relations Act is
20 amended by changing Sections 5 and 15 as follows:

21 (5 ILCS 315/5) (from Ch. 48, par. 1605)

22 Sec. 5. Illinois Labor Relations Board; State Panel; Local
23 Panel.

24 (a) There is created the Illinois Labor Relations Board.

1 The Board shall be comprised of 2 panels, to be known as the
2 State Panel and the Local Panel.

3 (a-5) The State Panel shall have jurisdiction over
4 collective bargaining matters between employee organizations
5 and the State of Illinois, excluding the General Assembly of
6 the State of Illinois, between employee organizations and
7 units of local government and school districts with a
8 population not in excess of 2 million persons, and between
9 employee organizations and the Regional Transportation
10 Authority.

11 The State Panel shall consist of 5 members appointed by
12 the Governor, with the advice and consent of the Senate. The
13 Governor shall appoint to the State Panel only persons who
14 have had a minimum of 5 years of experience directly related to
15 labor and employment relations in representing public
16 employers, private employers, or labor organizations; or
17 teaching labor or employment relations; or administering
18 executive orders or regulations applicable to labor or
19 employment relations. At the time of his or her appointment,
20 each member of the State Panel shall be an Illinois resident.
21 The Governor shall designate one member to serve as the
22 Chairman of the State Panel and the Board.

23 Notwithstanding any other provision of this Section, the
24 term of each member of the State Panel who was appointed by the
25 Governor and is in office on June 30, 2003 shall terminate at
26 the close of business on that date or when all of the successor

1 members to be appointed pursuant to Public Act 93-509 ~~this~~
2 ~~amendatory Act of the 93rd General Assembly~~ have been
3 appointed by the Governor, whichever occurs later. As soon as
4 possible, the Governor shall appoint persons to fill the
5 vacancies created by this amendatory Act.

6 The initial appointments under Public Act 93-509 ~~this~~
7 ~~amendatory Act of the 93rd General Assembly~~ shall be for terms
8 as follows: The Chairman shall initially be appointed for a
9 term ending on the 4th Monday in January, 2007; 2 members shall
10 be initially appointed for terms ending on the 4th Monday in
11 January, 2006; one member shall be initially appointed for a
12 term ending on the 4th Monday in January, 2005; and one member
13 shall be initially appointed for a term ending on the 4th
14 Monday in January, 2004. Each subsequent member shall be
15 appointed for a term of 4 years, commencing on the 4th Monday
16 in January. Upon expiration of the term of office of any
17 appointive member, that member shall continue to serve until a
18 successor shall be appointed and qualified. In case of a
19 vacancy, a successor shall be appointed to serve for the
20 unexpired portion of the term. If the Senate is not in session
21 at the time the initial appointments are made, the Governor
22 shall make temporary appointments in the same manner
23 successors are appointed to fill vacancies. A temporary
24 appointment shall remain in effect no longer than 20 calendar
25 days after the commencement of the next Senate session.

26 (b) The Local Panel shall have jurisdiction over

1 collective bargaining agreement matters between employee
2 organizations and units of local government with a population
3 in excess of 2 million persons, but excluding the Regional
4 Transportation Authority.

5 The Local Panel shall consist of one person appointed by
6 the Governor with the advice and consent of the Senate (or, if
7 no such person is appointed, the Chairman of the State Panel)
8 and two additional members, one appointed by the Mayor of the
9 City of Chicago and one appointed by the President of the Cook
10 County Board of Commissioners. Appointees to the Local Panel
11 must have had a minimum of 5 years of experience directly
12 related to labor and employment relations in representing
13 public employers, private employers, or labor organizations;
14 or teaching labor or employment relations; or administering
15 executive orders or regulations applicable to labor or
16 employment relations. Each member of the Local Panel shall be
17 an Illinois resident at the time of his or her appointment. The
18 member appointed by the Governor (or, if no such person is
19 appointed, the Chairman of the State Panel) shall serve as the
20 Chairman of the Local Panel.

21 Notwithstanding any other provision of this Section, the
22 term of the member of the Local Panel who was appointed by the
23 Governor and is in office on June 30, 2003 shall terminate at
24 the close of business on that date or when his or her successor
25 has been appointed by the Governor, whichever occurs later. As
26 soon as possible, the Governor shall appoint a person to fill

1 the vacancy created by this amendatory Act. The initial
2 appointment under Public Act 93-509 ~~this amendatory Act of the~~
3 ~~93rd General Assembly~~ shall be for a term ending on the 4th
4 Monday in January, 2007.

5 The initial appointments under Public Act 91-798 ~~this~~
6 ~~amendatory Act of the 91st General Assembly~~ shall be for terms
7 as follows: The member appointed by the Governor shall
8 initially be appointed for a term ending on the 4th Monday in
9 January, 2001; the member appointed by the President of the
10 Cook County Board shall be initially appointed for a term
11 ending on the 4th Monday in January, 2003; and the member
12 appointed by the Mayor of the City of Chicago shall be
13 initially appointed for a term ending on the 4th Monday in
14 January, 2004. Each subsequent member shall be appointed for a
15 term of 4 years, commencing on the 4th Monday in January. Upon
16 expiration of the term of office of any appointive member, the
17 member shall continue to serve until a successor shall be
18 appointed and qualified. In the case of a vacancy, a successor
19 shall be appointed by the applicable appointive authority to
20 serve for the unexpired portion of the term.

21 (c) Three members of the State Panel shall at all times
22 constitute a quorum. Two members of the Local Panel shall at
23 all times constitute a quorum. A vacancy on a panel does not
24 impair the right of the remaining members to exercise all of
25 the powers of that panel. Each panel shall adopt an official
26 seal which shall be judicially noticed. The salary of the

1 Chairman of the State Panel shall be \$82,429 per year, or as
2 set by the Compensation Review Board, whichever is greater,
3 and that of the other members of the State and Local Panels
4 shall be \$74,188 per year, or as set by the Compensation Review
5 Board, whichever is greater.

6 (d) Each member shall devote his or her entire time to the
7 duties of the office, and shall hold no other office or
8 position of profit, nor engage in any other business,
9 employment, or vocation. No member shall hold any other public
10 office or be employed as a labor or management representative
11 by the State or any political subdivision of the State or of
12 any department or agency thereof, or actively represent or act
13 on behalf of an employer or an employee organization or an
14 employer in labor relations matters. Any member of the State
15 Panel may be removed from office by the Governor for
16 inefficiency, neglect of duty, misconduct or malfeasance in
17 office, and for no other cause, and only upon notice and
18 hearing. Any member of the Local Panel may be removed from
19 office by the applicable appointive authority for
20 inefficiency, neglect of duty, misconduct or malfeasance in
21 office, and for no other cause, and only upon notice and
22 hearing.

23 (e) Each panel at the end of every State fiscal year shall
24 make a report in writing to the Governor and the General
25 Assembly, stating in detail the work it has done to carry out
26 the policy of the Act in hearing and deciding cases and

1 otherwise. Each panel's report shall include:

2 (1) the number of unfair labor practice charges filed
3 during the fiscal year;

4 (2) the number of unfair labor practice charges
5 resolved during the fiscal year;

6 (3) the total number of unfair labor charges pending
7 before the Board at the end of the fiscal year;

8 (4) the number of unfair labor charge cases at the end
9 of the fiscal year that have been pending before the Board
10 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
11 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
12 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
13 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
14 days, and over 701 days;

15 (5) the number of representation cases and unit
16 clarification cases filed during the fiscal year;

17 (6) the number of representation cases and unit
18 clarification cases resolved during the fiscal year;

19 (7) the total number of representation cases and unit
20 clarification cases pending before the Board at the end of
21 the fiscal year;

22 (8) the number of representation cases and unit
23 clarification cases at the end of the fiscal year that
24 have been pending before the Board between 1 and 120 days,
25 121 and 180 days, and over 180 days; and

26 (9) the Board's progress in meeting the timeliness

1 goals established pursuant to the criteria in subsection
2 (j) of Section 11 of this Act; the report shall include,
3 but is not limited to:

4 (A) the average number of days taken to complete
5 investigations and issue complaints, dismissals, or
6 deferrals;

7 (B) the average number of days taken for the Board
8 to issue decisions on appeals of dismissals or
9 deferrals;

10 (C) the average number of days taken to schedule a
11 hearing on complaints once issued;

12 (D) the average number of days taken to issue a
13 recommended decision and order once the record is
14 closed;

15 (E) the average number of days taken for the Board
16 to issue final decisions on recommended decisions when
17 ~~where~~ exceptions have been filed;

18 (F) the average number of days taken for the Board
19 to issue final decisions ~~decision~~ on recommended
20 decisions when no exceptions have been filed; and

21 (G) in cases where the Board was unable to meet the
22 timeliness goals established in subsection (j) of
23 Section 11, an explanation as to why the goal was not
24 met.

25 (f) In order to accomplish the objectives and carry out
26 the duties prescribed by this Act, a panel or its authorized

1 designees may hold elections to determine whether a labor
2 organization has majority status; investigate and attempt to
3 resolve or settle charges of unfair labor practices; hold
4 hearings in order to carry out its functions; develop and
5 effectuate appropriate impasse resolution procedures for
6 purposes of resolving labor disputes; require the appearance
7 of witnesses and the production of evidence on any matter
8 under inquiry; and administer oaths and affirmations. The
9 panels shall sign and report in full an opinion in every case
10 which they decide.

11 (g) Each panel may appoint or employ an executive
12 director, attorneys, hearing officers, mediators,
13 fact-finders, arbitrators, and such other employees as it may
14 deem necessary to perform its functions. The governing boards
15 shall prescribe the duties and qualifications of such persons
16 appointed and, subject to the annual appropriation, fix their
17 compensation and provide for reimbursement of actual and
18 necessary expenses incurred in the performance of their
19 duties. The Board shall employ a minimum of 16 attorneys and 6
20 investigators.

21 (h) Each panel shall exercise general supervision over all
22 attorneys which it employs and over the other persons employed
23 to provide necessary support services for such attorneys. The
24 panels shall have final authority in respect to complaints
25 brought pursuant to this Act.

26 (i) The following rules and regulations shall be adopted

1 by the panels meeting in joint session: (1) procedural rules
2 and regulations which shall govern all Board proceedings; (2)
3 procedures for election of exclusive bargaining
4 representatives pursuant to Section 9, except for the
5 determination of appropriate bargaining units; and (3)
6 appointment of counsel pursuant to subsection (k) of this
7 Section.

8 (j) Rules and regulations may be adopted, amended or
9 rescinded only upon a vote of 5 of the members of the State and
10 Local Panels meeting in joint session. The adoption,
11 amendment, or rescission of rules and regulations shall be in
12 conformity with the requirements of the Illinois
13 Administrative Procedure Act.

14 (k) The panels in joint session shall promulgate rules and
15 regulations providing for the appointment of attorneys or
16 other Board representatives to represent persons in unfair
17 labor practice proceedings before a panel. The regulations
18 governing appointment shall require the applicant to
19 demonstrate an inability to pay for or inability to otherwise
20 provide for adequate representation before a panel. Such rules
21 must also provide: (1) that an attorney may not be appointed in
22 cases which, in the opinion of a panel, are clearly without
23 merit; (2) the stage of the unfair labor proceeding at which
24 counsel will be appointed; and (3) the circumstances under
25 which a client will be allowed to select counsel.

26 (1) The panels in joint session may promulgate rules and

1 regulations which allow parties in proceedings before a panel
2 to be represented by counsel or any other representative of
3 the party's choice.

4 (m) The Chairman of the State Panel shall serve as
5 Chairman of a joint session of the panels. Attendance of at
6 least 2 members of the State Panel and at least one member of
7 the Local Panel, in addition to the Chairman, shall constitute
8 a quorum at a joint session. The panels shall meet in joint
9 session at least annually.

10 (Source: P.A. 103-856, eff. 1-1-25; revised 11-21-24.)

11 (5 ILCS 315/15) (from Ch. 48, par. 1615)

12 (Text of Section WITHOUT the changes made by P.A. 98-599,
13 which has been held unconstitutional)

14 Sec. 15. Act takes precedence ~~Takes Precedence.~~

15 (a) In case of any conflict between the provisions of this
16 Act and any other law (other than Section 5 of the State
17 Employees Group Insurance Act of 1971 and other than the
18 changes made to the Illinois Pension Code by Public Act 96-889
19 ~~this amendatory Act of the 96th General Assembly~~), executive
20 order or administrative regulation relating to wages, hours
21 and conditions of employment and employment relations, the
22 provisions of this Act or any collective bargaining agreement
23 negotiated thereunder shall prevail and control. Nothing in
24 this Act shall be construed to replace or diminish the rights
25 of employees established by Sections 28 and 28a of the

1 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
2 of the Regional Transportation Authority Act. The provisions
3 of this Act are subject to Section 5 of the State Employees
4 Group Insurance Act of 1971. Nothing in this Act shall be
5 construed to replace the necessity of complaints against a
6 sworn peace officer, as defined in Section 2(a) of the Uniform
7 Peace Officers' ~~Officer~~ Disciplinary Act, from having a
8 complaint supported by a sworn affidavit.

9 (b) Except as provided in subsection (a) above, any
10 collective bargaining contract between a public employer and a
11 labor organization executed pursuant to this Act shall
12 supersede any contrary statutes, charters, ordinances, rules
13 or regulations relating to wages, hours and conditions of
14 employment and employment relations adopted by the public
15 employer or its agents. Any collective bargaining agreement
16 entered into prior to the effective date of this Act shall
17 remain in full force during its duration.

18 (c) It is the public policy of this State, pursuant to
19 paragraphs (h) and (i) of Section 6 of Article VII of the
20 Illinois Constitution, that the provisions of this Act are the
21 exclusive exercise by the State of powers and functions which
22 might otherwise be exercised by home rule units. Such powers
23 and functions may not be exercised concurrently, either
24 directly or indirectly, by any unit of local government,
25 including any home rule unit, except as otherwise authorized
26 by this Act.

1 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11;
2 revised 7-23-24.)

3 Section 30. The State Employees Group Insurance Act of
4 1971 is amended by changing Sections 3, 6.11, and 10 and by
5 setting forth and renumbering multiple versions of Section
6 6.11D as follows:

7 (5 ILCS 375/3) (from Ch. 127, par. 523)

8 Sec. 3. Definitions. Unless the context otherwise
9 requires, the following words and phrases as used in this Act
10 shall have the following meanings. The Department may define
11 these and other words and phrases separately for the purpose
12 of implementing specific programs providing benefits under
13 this Act.

14 (a) "Administrative service organization" means any
15 person, firm, or corporation experienced in the handling of
16 claims which is fully qualified, financially sound, and
17 capable of meeting the service requirements of a contract of
18 administration executed with the Department.

19 (b) "Annuitant" means (1) an employee who retires, or has
20 retired, on or after January 1, 1966 on an immediate annuity
21 under the provisions of Articles 2, 14 (including an employee
22 who has elected to receive an alternative retirement
23 cancellation payment under Section 14-108.5 of the Illinois
24 Pension Code in lieu of an annuity or who meets the criteria

1 for retirement, but in lieu of receiving an annuity under that
2 Article has elected to receive an accelerated pension benefit
3 payment under Section 14-147.5 of that Article), 15 (including
4 an employee who has retired under the optional retirement
5 program established under Section 15-158.2 or who meets the
6 criteria for retirement but in lieu of receiving an annuity
7 under that Article has elected to receive an accelerated
8 pension benefit payment under Section 15-185.5 of the
9 Article), paragraph (2), (3), or (5) of Section 16-106
10 (including an employee who meets the criteria for retirement,
11 but in lieu of receiving an annuity under that Article has
12 elected to receive an accelerated pension benefit payment
13 under Section 16-190.5 of the Illinois Pension Code), or
14 Article 18 of the Illinois Pension Code; (2) any person who was
15 receiving group insurance coverage under this Act as of March
16 31, 1978 by reason of his status as an annuitant, even though
17 the annuity in relation to which such coverage was provided is
18 a proportional annuity based on less than the minimum period
19 of service required for a retirement annuity in the system
20 involved; (3) any person not otherwise covered by this Act who
21 has retired as a participating member under Article 2 of the
22 Illinois Pension Code but is ineligible for the retirement
23 annuity under Section 2-119 of the Illinois Pension Code; (4)
24 the spouse of any person who is receiving a retirement annuity
25 under Article 18 of the Illinois Pension Code and who is
26 covered under a group health insurance program sponsored by a

1 governmental employer other than the State of Illinois and who
2 has irrevocably elected to waive his or her coverage under
3 this Act and to have his or her spouse considered as the
4 "annuitant" under this Act and not as a "dependent"; or (5) an
5 employee who retires, or has retired, from a qualified
6 position, as determined according to rules promulgated by the
7 Director, under a qualified local government, a qualified
8 rehabilitation facility, a qualified domestic violence shelter
9 or service, or a qualified child advocacy center. (For
10 definition of "retired employee", see subsection (p) ~~post~~).

11 (b-5) (Blank).

12 (b-6) (Blank).

13 (b-7) (Blank).

14 (c) "Carrier" means (1) an insurance company, a
15 corporation organized under the Limited Health Service
16 Organization Act or the Voluntary Health Services Plans Act, a
17 partnership, or other nongovernmental organization, which is
18 authorized to do group life or group health insurance business
19 in Illinois, or (2) the State of Illinois as a self-insurer.

20 (d) "Compensation" means salary or wages payable on a
21 regular payroll by the State Treasurer on a warrant of the
22 State Comptroller out of any State, trust or federal fund, or
23 by the Governor of the State through a disbursing officer of
24 the State out of a trust or out of federal funds, or by any
25 Department out of State, trust, federal, or other funds held
26 by the State Treasurer or the Department, to any person for

1 personal services currently performed, and ordinary or
2 accidental disability benefits under Articles 2, 14, 15
3 (including ordinary or accidental disability benefits under
4 the optional retirement program established under Section
5 15-158.2), paragraph (2), (3), or (5) of Section 16-106, or
6 Article 18 of the Illinois Pension Code, for disability
7 incurred after January 1, 1966, or benefits payable under the
8 Workers' Compensation Act or the Workers' Occupational
9 Diseases Act or benefits payable under a sick pay plan
10 established in accordance with Section 36 of the State Finance
11 Act. "Compensation" also means salary or wages paid to an
12 employee of any qualified local government, qualified
13 rehabilitation facility, qualified domestic violence shelter
14 or service, or qualified child advocacy center.

15 (e) "Commission" means the State Employees Group Insurance
16 Advisory Commission authorized by this Act. Commencing July 1,
17 1984, "Commission" as used in this Act means the Commission on
18 Government Forecasting and Accountability as established by
19 the Legislative Commission Reorganization Act of 1984.

20 (f) "Contributory", when referred to as contributory
21 coverage, shall mean optional coverages or benefits elected by
22 the member toward the cost of which such member makes
23 contribution, or which are funded in whole or in part through
24 the acceptance of a reduction in earnings or the foregoing of
25 an increase in earnings by an employee, as distinguished from
26 noncontributory coverage or benefits which are paid entirely

1 by the State of Illinois without reduction of the member's
2 salary.

3 (g) "Department" means any department, institution, board,
4 commission, officer, court, or any agency of the State
5 government receiving appropriations and having power to
6 certify payrolls to the Comptroller authorizing payments of
7 salary and wages against such appropriations as are made by
8 the General Assembly from any State fund, or against trust
9 funds held by the State Treasurer and includes boards of
10 trustees of the retirement systems created by Articles 2, 14,
11 15, 16, and 18 of the Illinois Pension Code. "Department" also
12 includes the Illinois Comprehensive Health Insurance Board,
13 the Board of Examiners established under the Illinois Public
14 Accounting Act, and the Illinois Finance Authority.

15 (h) "Dependent", when the term is used in the context of
16 the health and life plan, means a member's spouse and any child
17 (1) from birth to age 26, including an adopted child, a child
18 who lives with the member from the time of the placement for
19 adoption until entry of an order of adoption, a stepchild or
20 adjudicated child, or a child who lives with the member if such
21 member is a court appointed guardian of the child or (2) age 19
22 or over who has a mental or physical disability from a cause
23 originating prior to the age of 19 (age 26 if enrolled as an
24 adult child dependent). For the health plan only, the term
25 "dependent" also includes (1) any person enrolled prior to the
26 effective date of this Section who is dependent upon the

1 member to the extent that the member may claim such person as a
2 dependent for income tax deduction purposes and (2) any person
3 who has received after June 30, 2000 an organ transplant and
4 who is financially dependent upon the member and eligible to
5 be claimed as a dependent for income tax purposes. A member
6 requesting to cover any dependent must provide documentation
7 as requested by the Department of Central Management Services
8 and file with the Department any and all forms required by the
9 Department.

10 (i) "Director" means the Director of the Illinois
11 Department of Central Management Services.

12 (j) "Eligibility period" means the period of time a member
13 has to elect enrollment in programs or to select benefits
14 without regard to age, sex, or health.

15 (k) "Employee" means and includes each officer or employee
16 in the service of a department who (1) receives his
17 compensation for service rendered to the department on a
18 warrant issued pursuant to a payroll certified by a department
19 or on a warrant or check issued and drawn by a department upon
20 a trust, federal or other fund or on a warrant issued pursuant
21 to a payroll certified by an elected or duly appointed officer
22 of the State or who receives payment of the performance of
23 personal services on a warrant issued pursuant to a payroll
24 certified by a Department and drawn by the Comptroller upon
25 the State Treasurer against appropriations made by the General
26 Assembly from any fund or against trust funds held by the State

1 Treasurer, and (2) is employed full-time or part-time in a
2 position normally requiring actual performance of duty during
3 not less than 1/2 of a normal work period, as established by
4 the Director in cooperation with each department, except that
5 persons elected by popular vote will be considered employees
6 during the entire term for which they are elected regardless
7 of hours devoted to the service of the State, and (3) except
8 that "employee" does not include any person who is not
9 eligible by reason of such person's employment to participate
10 in one of the State retirement systems under Articles 2, 14, 15
11 (either the regular Article 15 system or the optional
12 retirement program established under Section 15-158.2), or 18,
13 or under paragraph (2), (3), or (5) of Section 16-106, of the
14 Illinois Pension Code, but such term does include persons who
15 are employed during the 6-month qualifying period under
16 Article 14 of the Illinois Pension Code. Such term also
17 includes any person who (1) after January 1, 1966, is
18 receiving ordinary or accidental disability benefits under
19 Articles 2, 14, 15 (including ordinary or accidental
20 disability benefits under the optional retirement program
21 established under Section 15-158.2), paragraph (2), (3), or
22 (5) of Section 16-106, or Article 18 of the Illinois Pension
23 Code, for disability incurred after January 1, 1966, (2)
24 receives total permanent or total temporary disability under
25 the Workers' Compensation Act or the Workers' Occupational
26 Diseases ~~Disease~~ Act as a result of injuries sustained or

1 illness contracted in the course of employment with the State
2 of Illinois, or (3) is not otherwise covered under this Act and
3 has retired as a participating member under Article 2 of the
4 Illinois Pension Code but is ineligible for the retirement
5 annuity under Section 2-119 of the Illinois Pension Code.
6 However, a person who satisfies the criteria of the foregoing
7 definition of "employee" except that such person is made
8 ineligible to participate in the State Universities Retirement
9 System by clause (4) of subsection (a) of Section 15-107 of the
10 Illinois Pension Code is also an "employee" for the purposes
11 of this Act. "Employee" also includes any person receiving or
12 eligible for benefits under a sick pay plan established in
13 accordance with Section 36 of the State Finance Act.
14 "Employee" also includes (i) each officer or employee in the
15 service of a qualified local government, including persons
16 appointed as trustees of sanitary districts regardless of
17 hours devoted to the service of the sanitary district, (ii)
18 each employee in the service of a qualified rehabilitation
19 facility, (iii) each full-time employee in the service of a
20 qualified domestic violence shelter or service, and (iv) each
21 full-time employee in the service of a qualified child
22 advocacy center, as determined according to rules promulgated
23 by the Director.

24 (1) "Member" means an employee, annuitant, retired
25 employee, or survivor. In the case of an annuitant or retired
26 employee who first becomes an annuitant or retired employee on

1 or after January 13, 2012 (the effective date of Public Act
2 97-668), the individual must meet the minimum vesting
3 requirements of the applicable retirement system in order to
4 be eligible for group insurance benefits under that system. In
5 the case of a survivor who is not entitled to occupational
6 death benefits pursuant to an applicable retirement system or
7 death benefits pursuant to the ~~Illinois~~ Workers' Compensation
8 Act, and who first becomes a survivor on or after January 13,
9 2012 (the effective date of Public Act 97-668), the deceased
10 employee, annuitant, or retired employee upon whom the annuity
11 is based must have been eligible to participate in the group
12 insurance system under the applicable retirement system in
13 order for the survivor to be eligible for group insurance
14 benefits under that system.

15 In the case of a survivor who is entitled to occupational
16 death benefits pursuant to the deceased employee's applicable
17 retirement system or death benefits pursuant to the ~~Illinois~~
18 Workers' Compensation Act, and first becomes a survivor on or
19 after January 1, 2022, the survivor is eligible for group
20 health insurance benefits regardless of the deceased
21 employee's minimum vesting requirements under the applicable
22 retirement system, with a State contribution rate of 100%,
23 until an unmarried child dependent reaches the age of 18, or
24 the age of 22 if the dependent child is a full-time student, or
25 until the adult survivor becomes eligible for benefits under
26 the federal Medicare health insurance program (Title XVIII of

1 the Social Security Act, as added by Public Law 89-97). In the
2 case of a survivor currently receiving occupational death
3 benefits pursuant to the deceased employee's applicable
4 retirement system or has received death benefits pursuant to
5 the ~~Illinois~~ Workers' Compensation Act, who first became a
6 survivor prior to January 1, 2022, the survivor is eligible
7 for group health insurance benefits regardless of the deceased
8 employee's minimum vesting requirements under the applicable
9 retirement system, with a State contribution rate of 100%,
10 until an unmarried child dependent reaches the age of 18, or
11 the age of 22 if the dependent child is a full-time student, or
12 until the adult survivor becomes eligible for benefits under
13 the federal Medicare health insurance program (Title XVIII of
14 the Social Security Act, as added by Public Law 89-97). The
15 changes made by Public Act 102-714 ~~this amendatory Act of the~~
16 ~~102nd General Assembly~~ with respect to survivors who first
17 became survivors prior to January 1, 2022 shall apply upon
18 request of the survivor on or after April 29, 2022 (the
19 effective date of Public Act 102-714) ~~this amendatory Act of~~
20 ~~the 102nd General Assembly~~.

21 (m) "Optional coverages or benefits" means those coverages
22 or benefits available to the member on his or her voluntary
23 election, and at his or her own expense.

24 (n) "Program" means the group life insurance, health
25 benefits, and other employee benefits designed and contracted
26 for by the Director under this Act.

1 (o) "Health plan" means a health benefits program offered
2 by the State of Illinois for persons eligible for the plan.

3 (p) "Retired employee" means any person who would be an
4 annuitant as that term is defined herein but for the fact that
5 such person retired prior to January 1, 1966. Such term also
6 includes any person formerly employed by the University of
7 Illinois in the Cooperative Extension Service who would be an
8 annuitant but for the fact that such person was made
9 ineligible to participate in the State Universities Retirement
10 System by clause (4) of subsection (a) of Section 15-107 of the
11 Illinois Pension Code.

12 (q) "Survivor" means a person receiving an annuity as a
13 survivor of an employee or of an annuitant. "Survivor" also
14 includes: (1) the surviving dependent of a person who
15 satisfies the definition of "employee" except that such person
16 is made ineligible to participate in the State Universities
17 Retirement System by clause (4) of subsection (a) of Section
18 15-107 of the Illinois Pension Code; (2) the surviving
19 dependent of any person formerly employed by the University of
20 Illinois in the Cooperative Extension Service who would be an
21 annuitant except for the fact that such person was made
22 ineligible to participate in the State Universities Retirement
23 System by clause (4) of subsection (a) of Section 15-107 of the
24 Illinois Pension Code; (3) the surviving dependent of a person
25 who was an annuitant under this Act by virtue of receiving an
26 alternative retirement cancellation payment under Section

1 14-108.5 of the Illinois Pension Code; and (4) a person who
2 would be receiving an annuity as a survivor of an annuitant
3 except that the annuitant elected on or after June 4, 2018 to
4 receive an accelerated pension benefit payment under Section
5 14-147.5, 15-185.5, or 16-190.5 of the Illinois Pension Code
6 in lieu of receiving an annuity.

7 (q-2) "SERS" means the State Employees' Retirement System
8 of Illinois, created under Article 14 of the Illinois Pension
9 Code.

10 (q-3) "SURS" means the State Universities Retirement
11 System, created under Article 15 of the Illinois Pension Code.

12 (q-4) "TRS" means the Teachers' Retirement System of the
13 State of Illinois, created under Article 16 of the Illinois
14 Pension Code.

15 (q-5) (Blank).

16 (q-6) (Blank).

17 (q-7) (Blank).

18 (r) "Medical services" means the services provided within
19 the scope of their licenses by practitioners in all categories
20 licensed under the Medical Practice Act of 1987.

21 (s) "Unit of local government" means any county,
22 municipality, township, school district (including a
23 combination of school districts under the Intergovernmental
24 Cooperation Act), special district or other unit, designated
25 as a unit of local government by law, which exercises limited
26 governmental powers or powers in respect to limited

1 governmental subjects, any not-for-profit association with a
2 membership that primarily includes townships and township
3 officials, that has duties that include provision of research
4 service, dissemination of information, and other acts for the
5 purpose of improving township government, and that is funded
6 wholly or partly in accordance with Section 85-15 of the
7 Township Code; any not-for-profit corporation or association,
8 with a membership consisting primarily of municipalities, that
9 operates its own utility system, and provides research,
10 training, dissemination of information, or other acts to
11 promote cooperation between and among municipalities that
12 provide utility services and for the advancement of the goals
13 and purposes of its membership; the Southern Illinois
14 Collegiate Common Market, which is a consortium of higher
15 education institutions in Southern Illinois; the Illinois
16 Association of Park Districts; and any hospital provider that
17 is owned by a county that has 100 or fewer hospital beds and
18 has not already joined the program. "Qualified local
19 government" means a unit of local government approved by the
20 Director and participating in a program created under
21 subsection (i) of Section 10 of this Act.

22 (t) "Qualified rehabilitation facility" means any
23 not-for-profit organization that is accredited by the
24 Commission on Accreditation of Rehabilitation Facilities or
25 certified by the Department of Human Services (as successor to
26 the Department of Mental Health and Developmental

1 Disabilities) to provide services to persons with disabilities
2 and which receives funds from the State of Illinois for
3 providing those services, approved by the Director and
4 participating in a program created under subsection (j) of
5 Section 10 of this Act.

6 (u) "Qualified domestic violence shelter or service" means
7 any Illinois domestic violence shelter or service and its
8 administrative offices funded by the Department of Human
9 Services (as successor to the Illinois Department of Public
10 Aid), approved by the Director and participating in a program
11 created under subsection (k) of Section 10.

12 (v) "TRS benefit recipient" means a person who:

13 (1) is not a "member" as defined in this Section; and

14 (2) is receiving a monthly benefit or retirement
15 annuity under Article 16 of the Illinois Pension Code or
16 would be receiving such monthly benefit or retirement
17 annuity except that the benefit recipient elected on or
18 after June 4, 2018 to receive an accelerated pension
19 benefit payment under Section 16-190.5 of the Illinois
20 Pension Code in lieu of receiving an annuity; and

21 (3) either (i) has at least 8 years of creditable
22 service under Article 16 of the Illinois Pension Code, or
23 (ii) was enrolled in the health insurance program offered
24 under that Article on January 1, 1996, or (iii) is the
25 survivor of a benefit recipient who had at least 8 years of
26 creditable service under Article 16 of the Illinois

1 Pension Code or was enrolled in the health insurance
2 program offered under that Article on June 21, 1995 (the
3 effective date of Public Act 89-25), or (iv) is a
4 recipient or survivor of a recipient of a disability
5 benefit under Article 16 of the Illinois Pension Code.

6 (w) "TRS dependent beneficiary" means a person who:

7 (1) is not a "member" or "dependent" as defined in
8 this Section; and

9 (2) is a TRS benefit recipient's: (A) spouse, (B)
10 dependent parent who is receiving at least half of his or
11 her support from the TRS benefit recipient, or (C)
12 natural, step, adjudicated, or adopted child who is (i)
13 under age 26, (ii) was, on January 1, 1996, participating
14 as a dependent beneficiary in the health insurance program
15 offered under Article 16 of the Illinois Pension Code, or
16 (iii) age 19 or over who has a mental or physical
17 disability from a cause originating prior to the age of 19
18 (age 26 if enrolled as an adult child).

19 "TRS dependent beneficiary" does not include, as indicated
20 under paragraph (2) of this subsection (w), a dependent of the
21 survivor of a TRS benefit recipient who first becomes a
22 dependent of a survivor of a TRS benefit recipient on or after
23 January 13, 2012 (the effective date of Public Act 97-668)
24 unless that dependent would have been eligible for coverage as
25 a dependent of the deceased TRS benefit recipient upon whom
26 the survivor benefit is based.

1 (x) "Military leave" refers to individuals in basic
2 training for reserves, special/advanced training, annual
3 training, emergency call up, activation by the President of
4 the United States, or any other training or duty in service to
5 the United States Armed Forces.

6 (y) (Blank).

7 (z) "Community college benefit recipient" means a person
8 who:

9 (1) is not a "member" as defined in this Section; and

10 (2) is receiving a monthly survivor's annuity or
11 retirement annuity under Article 15 of the Illinois
12 Pension Code or would be receiving such monthly survivor's
13 annuity or retirement annuity except that the benefit
14 recipient elected on or after June 4, 2018 to receive an
15 accelerated pension benefit payment under Section 15-185.5
16 of the Illinois Pension Code in lieu of receiving an
17 annuity; and

18 (3) either (i) was a full-time employee of a community
19 college district or an association of community college
20 boards created under the Public Community College Act
21 (other than an employee whose last employer under Article
22 15 of the Illinois Pension Code was a community college
23 district subject to Article VII of the Public Community
24 College Act) and was eligible to participate in a group
25 health benefit plan as an employee during the time of
26 employment with a community college district (other than a

1 community college district subject to Article VII of the
2 Public Community College Act) or an association of
3 community college boards, or (ii) is the survivor of a
4 person described in item (i).

5 (aa) "Community college dependent beneficiary" means a
6 person who:

7 (1) is not a "member" or "dependent" as defined in
8 this Section; and

9 (2) is a community college benefit recipient's: (A)
10 spouse, (B) dependent parent who is receiving at least
11 half of his or her support from the community college
12 benefit recipient, or (C) natural, step, adjudicated, or
13 adopted child who is (i) under age 26, or (ii) age 19 or
14 over and has a mental or physical disability from a cause
15 originating prior to the age of 19 (age 26 if enrolled as
16 an adult child).

17 "Community college dependent beneficiary" does not
18 include, as indicated under paragraph (2) of this subsection
19 (aa), a dependent of the survivor of a community college
20 benefit recipient who first becomes a dependent of a survivor
21 of a community college benefit recipient on or after January
22 13, 2012 (the effective date of Public Act 97-668) unless that
23 dependent would have been eligible for coverage as a dependent
24 of the deceased community college benefit recipient upon whom
25 the survivor annuity is based.

26 (bb) "Qualified child advocacy center" means any Illinois

1 child advocacy center and its administrative offices funded by
2 the Department of Children and Family Services, as defined by
3 the Children's Advocacy Center Act ~~(55 ILCS 80/)~~, approved by
4 the Director and participating in a program created under
5 subsection (n) of Section 10.

6 (cc) "Placement for adoption" means the assumption and
7 retention by a member of a legal obligation for total or
8 partial support of a child in anticipation of adoption of the
9 child. The child's placement with the member terminates upon
10 the termination of such legal obligation.

11 (Source: P.A. 101-242, eff. 8-9-19; 102-558, eff. 8-20-21;
12 102-714, eff. 4-29-22; 102-813, eff 5-13-22; revised 7-23-24.)

13 (5 ILCS 375/6.11)

14 Sec. 6.11. Required health benefits; Illinois Insurance
15 Code requirements. The program of health benefits shall
16 provide the post-mastectomy care benefits required to be
17 covered by a policy of accident and health insurance under
18 Section 356t of the Illinois Insurance Code. The program of
19 health benefits shall provide the coverage required under
20 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356u.10,
21 356w, 356x, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8,
22 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15,
23 356z.17, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32,
24 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,
25 356z.51, 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59,

1 356z.60, 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, ~~and~~
2 356z.70, ~~and~~ 356z.71, 356z.74, 356z.76, and 356z.77 of the
3 Illinois Insurance Code. The program of health benefits must
4 comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and
5 370c.1 and Article XXXIIB of the Illinois Insurance Code. The
6 program of health benefits shall provide the coverage required
7 under Section 356m of the Illinois Insurance Code and, for the
8 employees of the State Employee Group Insurance Program only,
9 the coverage as also provided in Section 6.11B of this Act. The
10 Department of Insurance shall enforce the requirements of this
11 Section with respect to Sections 370c and 370c.1 of the
12 Illinois Insurance Code; all other requirements of this
13 Section shall be enforced by the Department of Central
14 Management Services.

15 Rulemaking authority to implement Public Act 95-1045, if
16 any, is conditioned on the rules being adopted in accordance
17 with all provisions of the Illinois Administrative Procedure
18 Act and all rules and procedures of the Joint Committee on
19 Administrative Rules; any purported rule not so adopted, for
20 whatever reason, is unauthorized.

21 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
22 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.
23 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-768,
24 eff. 1-1-24; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;
25 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.
26 1-1-23; 102-1117, eff. 1-13-23; 103-8, eff. 1-1-24; 103-84,

1 eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24;
2 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff.
3 8-11-23; 103-605, eff. 7-1-24; 103-718, eff. 7-19-24; 103-751,
4 eff. 8-2-24; 103-870, eff. 1-1-25; 103-914, eff. 1-1-25;
5 103-918, eff. 1-1-25; 103-951, eff. 1-1-25; 103-1024, eff.
6 1-1-25; revised 11-26-24.)

7 (5 ILCS 375/6.11D)

8 Sec. 6.11D. Joint mental health therapy services.

9 (a) The State Employees Group Insurance Program shall
10 provide coverage for joint mental health therapy services for
11 any Illinois State Police officer or police officer of an
12 institution of higher education and any spouse or partner of
13 the officer who resides with the officer.

14 (b) The joint mental health therapy services provided
15 under subsection (a) shall be performed by a physician
16 licensed to practice medicine in all of its branches, a
17 licensed clinical psychologist, a licensed clinical social
18 worker, a licensed clinical professional counselor, a licensed
19 marriage and family therapist, a licensed social worker, or a
20 licensed professional counselor.

21 (Source: P.A. 103-818, eff. 1-1-25.)

22 (5 ILCS 375/6.11E)

23 Sec. 6.11E ~~6.11D~~. Coverage for treatments to slow the
24 progression of Alzheimer's disease and related dementias.

1 Beginning on July 1, 2025, the State Employees Group Insurance
2 Program shall provide coverage for all medically necessary
3 FDA-approved treatments or medications prescribed to slow the
4 progression of Alzheimer's disease or another related
5 dementia, as determined by a physician licensed to practice
6 medicine in all its branches. Coverage for all FDA-approved
7 treatments or medications prescribed to slow the progression
8 of Alzheimer's disease or another related dementia shall not
9 be subject to step therapy. Any diagnostic testing necessary
10 for a physician to determine appropriate use of these
11 treatments or medications shall be covered by the State
12 Employees Group Insurance Program.

13 (Source: P.A. 103-975, eff. 1-1-25; revised 12-1-24.)

14 (5 ILCS 375/10) (from Ch. 127, par. 530)

15 Sec. 10. Contributions by the State and members.

16 (a) The State shall pay the cost of basic non-contributory
17 group life insurance and, subject to member paid contributions
18 set by the Department or required by this Section and except as
19 provided in this Section, the basic program of group health
20 benefits on each eligible member, except a member, not
21 otherwise covered by this Act, who has retired as a
22 participating member under Article 2 of the Illinois Pension
23 Code but is ineligible for the retirement annuity under
24 Section 2-119 of the Illinois Pension Code, and part of each
25 eligible member's and retired member's premiums for health

1 insurance coverage for enrolled dependents as provided by
2 Section 9. The State shall pay the cost of the basic program of
3 group health benefits only after benefits are reduced by the
4 amount of benefits covered by Medicare for all members and
5 dependents who are eligible for benefits under Social Security
6 or the Railroad Retirement system or who had sufficient
7 Medicare-covered government employment, except that such
8 reduction in benefits shall apply only to those members and
9 dependents who (1) first become eligible for such Medicare
10 coverage on or after July 1, 1992; or (2) are
11 Medicare-eligible members or dependents of a local government
12 unit which began participation in the program on or after July
13 1, 1992; or (3) remain eligible for, but no longer receive
14 Medicare coverage which they had been receiving on or after
15 July 1, 1992. The Department may determine the aggregate level
16 of the State's contribution on the basis of actual cost of
17 medical services adjusted for age, sex or geographic or other
18 demographic characteristics which affect the costs of such
19 programs.

20 The cost of participation in the basic program of group
21 health benefits for the dependent or survivor of a living or
22 deceased retired employee who was formerly employed by the
23 University of Illinois in the Cooperative Extension Service
24 and would be an annuitant but for the fact that he or she was
25 made ineligible to participate in the State Universities
26 Retirement System by clause (4) of subsection (a) of Section

1 15-107 of the Illinois Pension Code shall not be greater than
2 the cost of participation that would otherwise apply to that
3 dependent or survivor if he or she were the dependent or
4 survivor of an annuitant under the State Universities
5 Retirement System.

6 (a-1) (Blank).

7 (a-2) (Blank).

8 (a-3) (Blank).

9 (a-4) (Blank).

10 (a-5) (Blank).

11 (a-6) (Blank).

12 (a-7) (Blank).

13 (a-8) Any annuitant, survivor, or retired employee may
14 waive or terminate coverage in the program of group health
15 benefits. Any such annuitant, survivor, or retired employee
16 who has waived or terminated coverage may enroll or re-enroll
17 in the program of group health benefits only during the annual
18 benefit choice period, as determined by the Director; except
19 that in the event of termination of coverage due to nonpayment
20 of premiums, the annuitant, survivor, or retired employee may
21 not re-enroll in the program.

22 (a-8.5) Beginning on July 1, 2012 (the effective date of
23 Public Act 97-695) ~~this amendatory Act of the 97th General~~
24 ~~Assembly,~~ the Director of Central Management Services shall,
25 on an annual basis, determine the amount that the State shall
26 contribute toward the basic program of group health benefits

1 on behalf of annuitants (including individuals who (i)
2 participated in the General Assembly Retirement System, the
3 State Employees' Retirement System of Illinois, the State
4 Universities Retirement System, the Teachers' Retirement
5 System of the State of Illinois, or the Judges Retirement
6 System of Illinois and (ii) qualify as annuitants under
7 subsection (b) of Section 3 of this Act), survivors (including
8 individuals who (i) receive an annuity as a survivor of an
9 individual who participated in the General Assembly Retirement
10 System, the State Employees' Retirement System of Illinois,
11 the State Universities Retirement System, the Teachers'
12 Retirement System of the State of Illinois, or the Judges
13 Retirement System of Illinois and (ii) qualify as survivors
14 under subsection (q) of Section 3 of this Act), and retired
15 employees (as defined in subsection (p) of Section 3 of this
16 Act). The remainder of the cost of coverage for each
17 annuitant, survivor, or retired employee, as determined by the
18 Director of Central Management Services, shall be the
19 responsibility of that annuitant, survivor, or retired
20 employee.

21 Contributions required of annuitants, survivors, and
22 retired employees shall be the same for all retirement systems
23 and shall also be based on whether an individual has made an
24 election under Section 15-135.1 of the Illinois Pension Code.
25 Contributions may be based on annuitants', survivors', or
26 retired employees' Medicare eligibility, but may not be based

1 on Social Security eligibility.

2 (a-9) No later than May 1 of each calendar year, the
3 Director of Central Management Services shall certify in
4 writing to the Executive Secretary of the State Employees'
5 Retirement System of Illinois the amounts of the Medicare
6 supplement health care premiums and the amounts of the health
7 care premiums for all other retirees who are not Medicare
8 eligible.

9 A separate calculation of the premiums based upon the
10 actual cost of each health care plan shall be so certified.

11 The Director of Central Management Services shall provide
12 to the Executive Secretary of the State Employees' Retirement
13 System of Illinois such information, statistics, and other
14 data as he or she may require to review the premium amounts
15 certified by the Director of Central Management Services.

16 The Department of Central Management Services, or any
17 successor agency designated to procure health care ~~healthcare~~
18 contracts pursuant to this Act, is authorized to establish
19 funds, separate accounts provided by any bank or banks as
20 defined by the Illinois Banking Act, or separate accounts
21 provided by any savings and loan association or associations
22 as defined by the Illinois Savings and Loan Act of 1985 to be
23 held by the Director, outside the State treasury, for the
24 purpose of receiving the transfer of moneys from the Local
25 Government Health Insurance Reserve Fund. The Department may
26 promulgate rules further defining the methodology for the

1 transfers. Any interest earned by moneys in the funds or
2 accounts shall inure to the Local Government Health Insurance
3 Reserve Fund. The transferred moneys, and interest accrued
4 thereon, shall be used exclusively for transfers to
5 administrative service organizations or their financial
6 institutions for payments of claims to claimants and providers
7 under the self-insurance health plan. The transferred moneys,
8 and interest accrued thereon, shall not be used for any other
9 purpose including, but not limited to, reimbursement of
10 administration fees due the administrative service
11 organization pursuant to its contract or contracts with the
12 Department.

13 (a-10) To the extent that participation, benefits, or
14 premiums under this Act are based on a person's service credit
15 under an Article of the Illinois Pension Code, service credit
16 terminated in exchange for an accelerated pension benefit
17 payment under Section 14-147.5, 15-185.5, or 16-190.5 of that
18 Code shall be included in determining a person's service
19 credit for the purposes of this Act.

20 (b) State employees who become eligible for this program
21 on or after January 1, 1980 in positions normally requiring
22 actual performance of duty not less than 1/2 of a normal work
23 period but not equal to that of a normal work period, shall be
24 given the option of participating in the available program. If
25 the employee elects coverage, the State shall contribute on
26 behalf of such employee to the cost of the employee's benefit

1 and any applicable dependent supplement, that sum which bears
2 the same percentage as that percentage of time the employee
3 regularly works when compared to normal work period.

4 (c) The basic non-contributory coverage from the basic
5 program of group health benefits shall be continued for each
6 employee not in pay status or on active service by reason of
7 (1) leave of absence due to illness or injury, (2) authorized
8 educational leave of absence or sabbatical leave, or (3)
9 military leave. This coverage shall continue until expiration
10 of authorized leave and return to active service, but not to
11 exceed 24 months for leaves under item (1) or (2). This
12 24-month limitation and the requirement of returning to active
13 service shall not apply to persons receiving ordinary or
14 accidental disability benefits or retirement benefits through
15 the appropriate State retirement system or benefits under the
16 Workers' Compensation Act or the Workers' Occupational
17 Diseases ~~Occupational Disease~~ Act.

18 (d) The basic group life insurance coverage shall
19 continue, with full State contribution, where such person is
20 (1) absent from active service by reason of disability arising
21 from any cause other than self-inflicted, (2) on authorized
22 educational leave of absence or sabbatical leave, or (3) on
23 military leave.

24 (e) Where the person is in non-pay status for a period in
25 excess of 30 days or on leave of absence, other than by reason
26 of disability, educational or sabbatical leave, or military

1 leave, such person may continue coverage only by making
2 personal payment equal to the amount normally contributed by
3 the State on such person's behalf. Such payments and coverage
4 may be continued: (1) until such time as the person returns to
5 a status eligible for coverage at State expense, but not to
6 exceed 24 months or (2) until such person's employment or
7 annuitant status with the State is terminated (exclusive of
8 any additional service imposed pursuant to law).

9 (f) The Department shall establish by rule the extent to
10 which other employee benefits will continue for persons in
11 non-pay status or who are not in active service.

12 (g) The State shall not pay the cost of the basic
13 non-contributory group life insurance, program of health
14 benefits and other employee benefits for members who are
15 survivors as defined by paragraphs (1) and (2) of subsection
16 (q) of Section 3 of this Act. The costs of benefits for these
17 survivors shall be paid by the survivors or by the University
18 of Illinois Cooperative Extension Service, or any combination
19 thereof. However, the State shall pay the amount of the
20 reduction in the cost of participation, if any, resulting from
21 the amendment to subsection (a) made by Public Act 91-617 ~~this~~
22 ~~amendatory Act of the 91st General Assembly.~~

23 (h) Those persons occupying positions with any department
24 as a result of emergency appointments pursuant to Section 8b.8
25 of the Personnel Code who are not considered employees under
26 this Act shall be given the option of participating in the

1 programs of group life insurance, health benefits and other
2 employee benefits. Such persons electing coverage may
3 participate only by making payment equal to the amount
4 normally contributed by the State for similarly situated
5 employees. Such amounts shall be determined by the Director.
6 Such payments and coverage may be continued until such time as
7 the person becomes an employee pursuant to this Act or such
8 person's appointment is terminated.

9 (i) Any unit of local government within the State of
10 Illinois may apply to the Director to have its employees,
11 annuitants, and their dependents provided group health
12 coverage under this Act on a non-insured basis. To
13 participate, a unit of local government must agree to enroll
14 all of its employees, who may select coverage under any group
15 health benefits plan made available by the Department under
16 the health benefits program established under this Section or
17 a health maintenance organization that has contracted with the
18 State to be available as a health care provider for employees
19 as defined in this Act. A unit of local government must remit
20 the entire cost of providing coverage under the health
21 benefits program established under this Section or, for
22 coverage under a health maintenance organization, an amount
23 determined by the Director based on an analysis of the sex,
24 age, geographic location, or other relevant demographic
25 variables for its employees, except that the unit of local
26 government shall not be required to enroll those of its

1 employees who are covered spouses or dependents under the
2 State group health benefits plan or another group policy or
3 plan providing health benefits as long as (1) an appropriate
4 official from the unit of local government attests that each
5 employee not enrolled is a covered spouse or dependent under
6 this plan or another group policy or plan, and (2) at least 50%
7 of the employees are enrolled and the unit of local government
8 remits the entire cost of providing coverage to those
9 employees, except that a participating school district must
10 have enrolled at least 50% of its full-time employees who have
11 not waived coverage under the district's group health plan by
12 participating in a component of the district's cafeteria plan.
13 A participating school district is not required to enroll a
14 full-time employee who has waived coverage under the
15 district's health plan, provided that an appropriate official
16 from the participating school district attests that the
17 full-time employee has waived coverage by participating in a
18 component of the district's cafeteria plan. For the purposes
19 of this subsection, "participating school district" includes a
20 unit of local government whose primary purpose is education as
21 defined by the Department's rules.

22 Employees of a participating unit of local government who
23 are not enrolled due to coverage under another group health
24 policy or plan may enroll in the event of a qualifying change
25 in status, special enrollment, special circumstance as defined
26 by the Director, or during the annual benefit choice period

1 ~~Benefit Choice Period.~~ A participating unit of local
2 government may also elect to cover its annuitants. Dependent
3 coverage shall be offered on an optional basis, with the costs
4 paid by the unit of local government, its employees, or some
5 combination of the two as determined by the unit of local
6 government. The unit of local government shall be responsible
7 for timely collection and transmission of dependent premiums.

8 The Director shall annually determine monthly rates of
9 payment, subject to the following constraints:

10 (1) In the first year of coverage, the rates shall be
11 equal to the amount normally charged to State employees
12 for elected optional coverages or for enrolled dependents
13 coverages or other contributory coverages, or contributed
14 by the State for basic insurance coverages on behalf of
15 its employees, adjusted for differences between State
16 employees and employees of the local government in age,
17 sex, geographic location or other relevant demographic
18 variables, plus an amount sufficient to pay for the
19 additional administrative costs of providing coverage to
20 employees of the unit of local government and their
21 dependents.

22 (2) In subsequent years, a further adjustment shall be
23 made to reflect the actual prior years' claims experience
24 of the employees of the unit of local government.

25 In the case of coverage of local government employees
26 under a health maintenance organization, the Director shall

1 annually determine for each participating unit of local
2 government the maximum monthly amount the unit may contribute
3 toward that coverage, based on an analysis of (i) the age, sex,
4 geographic location, and other relevant demographic variables
5 of the unit's employees and (ii) the cost to cover those
6 employees under the State group health benefits plan. The
7 Director may similarly determine the maximum monthly amount
8 each unit of local government may contribute toward coverage
9 of its employees' dependents under a health maintenance
10 organization.

11 Monthly payments by the unit of local government or its
12 employees for group health benefits plan or health maintenance
13 organization coverage shall be deposited into ~~in~~ the Local
14 Government Health Insurance Reserve Fund.

15 The Local Government Health Insurance Reserve Fund is
16 hereby created as a nonappropriated trust fund to be held
17 outside the State treasury ~~Treasury~~, with the State Treasurer
18 as custodian. The Local Government Health Insurance Reserve
19 Fund shall be a continuing fund not subject to fiscal year
20 limitations. The Local Government Health Insurance Reserve
21 Fund is not subject to administrative charges or charge-backs,
22 including but not limited to those authorized under Section
23 8h of the State Finance Act. All revenues arising from the
24 administration of the health benefits program established
25 under this Section shall be deposited into the Local
26 Government Health Insurance Reserve Fund. Any interest earned

1 on moneys in the Local Government Health Insurance Reserve
2 Fund shall be deposited into the Fund. All expenditures from
3 this Fund shall be used for payments for health care benefits
4 for local government and rehabilitation facility employees,
5 annuitants, and dependents, and to reimburse the Department or
6 its administrative service organization for all expenses
7 incurred in the administration of benefits. No other State
8 funds may be used for these purposes.

9 A local government employer's participation or desire to
10 participate in a program created under this subsection shall
11 not limit that employer's duty to bargain with the
12 representative of any collective bargaining unit of its
13 employees.

14 (j) Any rehabilitation facility within the State of
15 Illinois may apply to the Director to have its employees,
16 annuitants, and their eligible dependents provided group
17 health coverage under this Act on a non-insured basis. To
18 participate, a rehabilitation facility must agree to enroll
19 all of its employees and remit the entire cost of providing
20 such coverage for its employees, except that the
21 rehabilitation facility shall not be required to enroll those
22 of its employees who are covered spouses or dependents under
23 this plan or another group policy or plan providing health
24 benefits as long as (1) an appropriate official from the
25 rehabilitation facility attests that each employee not
26 enrolled is a covered spouse or dependent under this plan or

1 another group policy or plan, and (2) at least 50% of the
2 employees are enrolled and the rehabilitation facility remits
3 the entire cost of providing coverage to those employees.
4 Employees of a participating rehabilitation facility who are
5 not enrolled due to coverage under another group health policy
6 or plan may enroll in the event of a qualifying change in
7 status, special enrollment, special circumstance as defined by
8 the Director, or during the annual benefit choice period
9 ~~Benefit Choice Period~~. A participating rehabilitation facility
10 may also elect to cover its annuitants. Dependent coverage
11 shall be offered on an optional basis, with the costs paid by
12 the rehabilitation facility, its employees, or some
13 combination of the 2 as determined by the rehabilitation
14 facility. The rehabilitation facility shall be responsible for
15 timely collection and transmission of dependent premiums.

16 The Director shall annually determine quarterly rates of
17 payment, subject to the following constraints:

18 (1) In the first year of coverage, the rates shall be
19 equal to the amount normally charged to State employees
20 for elected optional coverages or for enrolled dependents
21 coverages or other contributory coverages on behalf of its
22 employees, adjusted for differences between State
23 employees and employees of the rehabilitation facility in
24 age, sex, geographic location or other relevant
25 demographic variables, plus an amount sufficient to pay
26 for the additional administrative costs of providing

1 coverage to employees of the rehabilitation facility and
2 their dependents.

3 (2) In subsequent years, a further adjustment shall be
4 made to reflect the actual prior years' claims experience
5 of the employees of the rehabilitation facility.

6 Monthly payments by the rehabilitation facility or its
7 employees for group health benefits shall be deposited into ~~in~~
8 the Local Government Health Insurance Reserve Fund.

9 (k) Any domestic violence shelter or service within the
10 State of Illinois may apply to the Director to have its
11 employees, annuitants, and their dependents provided group
12 health coverage under this Act on a non-insured basis. To
13 participate, a domestic violence shelter or service must agree
14 to enroll all of its employees and pay the entire cost of
15 providing such coverage for its employees. The domestic
16 violence shelter shall not be required to enroll those of its
17 employees who are covered spouses or dependents under this
18 plan or another group policy or plan providing health benefits
19 as long as (1) an appropriate official from the domestic
20 violence shelter attests that each employee not enrolled is a
21 covered spouse or dependent under this plan or another group
22 policy or plan and (2) at least 50% of the employees are
23 enrolled and the domestic violence shelter remits the entire
24 cost of providing coverage to those employees. Employees of a
25 participating domestic violence shelter who are not enrolled
26 due to coverage under another group health policy or plan may

1 enroll in the event of a qualifying change in status, special
2 enrollment, or special circumstance as defined by the Director
3 or during the annual benefit choice period ~~Benefit Choice~~
4 ~~Period~~. A participating domestic violence shelter may also
5 elect to cover its annuitants. Dependent coverage shall be
6 offered on an optional basis, with employees, or some
7 combination of the 2 as determined by the domestic violence
8 shelter or service. The domestic violence shelter or service
9 shall be responsible for timely collection and transmission of
10 dependent premiums.

11 The Director shall annually determine rates of payment,
12 subject to the following constraints:

13 (1) In the first year of coverage, the rates shall be
14 equal to the amount normally charged to State employees
15 for elected optional coverages or for enrolled dependents
16 coverages or other contributory coverages on behalf of its
17 employees, adjusted for differences between State
18 employees and employees of the domestic violence shelter
19 or service in age, sex, geographic location or other
20 relevant demographic variables, plus an amount sufficient
21 to pay for the additional administrative costs of
22 providing coverage to employees of the domestic violence
23 shelter or service and their dependents.

24 (2) In subsequent years, a further adjustment shall be
25 made to reflect the actual prior years' claims experience
26 of the employees of the domestic violence shelter or

1 service.

2 Monthly payments by the domestic violence shelter or
3 service or its employees for group health insurance shall be
4 deposited into ~~in~~ the Local Government Health Insurance
5 Reserve Fund.

6 (1) A public community college or entity organized
7 pursuant to the Public Community College Act may apply to the
8 Director initially to have only annuitants not covered prior
9 to July 1, 1992 by the district's health plan provided health
10 coverage under this Act on a non-insured basis. The community
11 college must execute a 2-year contract to participate in the
12 Local Government Health Plan. Any annuitant may enroll in the
13 event of a qualifying change in status, special enrollment,
14 special circumstance as defined by the Director, or during the
15 annual benefit choice period ~~Benefit Choice Period~~.

16 The Director shall annually determine monthly rates of
17 payment subject to the following constraints: for those
18 community colleges with annuitants only enrolled, first year
19 rates shall be equal to the average cost to cover claims for a
20 State member adjusted for demographics, Medicare
21 participation, and other factors; and in the second year, a
22 further adjustment of rates shall be made to reflect the
23 actual first year's claims experience of the covered
24 annuitants.

25 (1-5) The provisions of subsection (1) become inoperative
26 on July 1, 1999.

1 (m) The Director shall adopt any rules deemed necessary
2 for implementation of this amendatory Act of 1989 (Public Act
3 86-978).

4 (n) Any child advocacy center within the State of Illinois
5 may apply to the Director to have its employees, annuitants,
6 and their dependents provided group health coverage under this
7 Act on a non-insured basis. To participate, a child advocacy
8 center must agree to enroll all of its employees and pay the
9 entire cost of providing coverage for its employees. The child
10 advocacy center shall not be required to enroll those of its
11 employees who are covered spouses or dependents under this
12 plan or another group policy or plan providing health benefits
13 as long as (1) an appropriate official from the child advocacy
14 center attests that each employee not enrolled is a covered
15 spouse or dependent under this plan or another group policy or
16 plan and (2) at least 50% of the employees are enrolled and the
17 child advocacy center remits the entire cost of providing
18 coverage to those employees. Employees of a participating
19 child advocacy center who are not enrolled due to coverage
20 under another group health policy or plan may enroll in the
21 event of a qualifying change in status, special enrollment, or
22 special circumstance as defined by the Director or during the
23 annual benefit choice period ~~Benefit Choice Period~~. A
24 participating child advocacy center may also elect to cover
25 its annuitants. Dependent coverage shall be offered on an
26 optional basis, with the costs paid by the child advocacy

1 center, its employees, or some combination of the 2 as
2 determined by the child advocacy center. The child advocacy
3 center shall be responsible for timely collection and
4 transmission of dependent premiums.

5 The Director shall annually determine rates of payment,
6 subject to the following constraints:

7 (1) In the first year of coverage, the rates shall be
8 equal to the amount normally charged to State employees
9 for elected optional coverages or for enrolled dependents
10 coverages or other contributory coverages on behalf of its
11 employees, adjusted for differences between State
12 employees and employees of the child advocacy center in
13 age, sex, geographic location, or other relevant
14 demographic variables, plus an amount sufficient to pay
15 for the additional administrative costs of providing
16 coverage to employees of the child advocacy center and
17 their dependents.

18 (2) In subsequent years, a further adjustment shall be
19 made to reflect the actual prior years' claims experience
20 of the employees of the child advocacy center.

21 Monthly payments by the child advocacy center or its
22 employees for group health insurance shall be deposited into
23 the Local Government Health Insurance Reserve Fund.

24 (Source: P.A. 102-19, eff. 7-1-21; revised 7-23-24.)

25 Section 35. The State Employee Health Savings Account Law

1 is amended by changing Section 10-10 as follows:

2 (5 ILCS 377/10-10)

3 Sec. 10-10. Application; authorized contributions.

4 (a) Beginning in calendar year 2012, each employer shall
5 make available to each eligible individual a health savings
6 account program, if that individual chooses to enroll in the
7 program except that, for an employer who provides coverage
8 pursuant to any one or more of subsections (i) through (n) of
9 Section 10 of the State Employees Group Insurance Act of 1971
10 ~~State Employee Group Insurance Act~~, that employer may make
11 available a health savings account program. An employer who
12 makes a health savings account program available shall
13 annually deposit an amount equal to one-third of the annual
14 deductible into an eligible individual's health savings
15 account. Unused funds in a health savings account shall become
16 the property of the account holder at the end of a taxable
17 year.

18 (b) Beginning in calendar year 2012, an eligible
19 individual may deposit contributions into a health savings
20 account in accordance with the restrictions set forth in
21 subsection (e) of Section 10-5.

22 (Source: P.A. 97-142, eff. 7-14-11; 97-644, eff. 12-30-11;
23 revised 7-23-24.)

24 Section 40. The First Responders Suicide Prevention Act is

1 amended by changing Section 40 as follows:

2 (5 ILCS 840/40)

3 Sec. 40. Task Force recommendations.

4 (a) Task Force members shall recommend that agencies and
5 organizations guarantee access to mental health and wellness
6 services, including, but not limited to, peer support programs
7 and providing ongoing education related to the ever-evolving
8 concept of mental health wellness. These recommendations could
9 be accomplished by:

10 (1) Revising agencies' and organizations' employee
11 assistance programs (EAPs).

12 (2) Urging health care providers to replace outdated
13 healthcare plans and include more progressive options
14 catering to the needs and disproportionate risks
15 shouldered by our first responders.

16 (3) Allocating funding or resources for public service
17 announcements (PSA) and messaging campaigns aimed at
18 raising awareness of available assistance options.

19 (4) Encouraging agencies and organizations to attach
20 lists of all available resources to training manuals and
21 continuing education requirements.

22 (b) Task Force members shall recommend agencies and
23 organizations sponsor or facilitate first responders with
24 specialized training in the areas of psychological fitness,
25 depressive disorders, early detection, and mitigation best

1 practices. Such trainings could be accomplished by:

2 (1) Assigning, appointing, or designating one member
3 of an agency or organization to attend specialized
4 training(s) sponsored by an accredited agency,
5 association, or organization recognized in their fields of
6 study.

7 (2) Seeking sponsorships or conducting fund-raisers,
8 to host annual or semiannual on-site visits from qualified
9 clinicians or physicians to provide early detection
10 training techniques, or to provide regular access to
11 mental health professionals.

12 (3) Requiring a minimum number of hours of disorders
13 and wellness training be incorporated into reoccurring,
14 annual or biannual training standards, examinations, and
15 curriculums, taking into close consideration respective
16 agency or organization size, frequency, and number of all
17 current federal and state mandatory examinations and
18 trainings expected respectively.

19 (4) Not underestimating the crucial importance of a
20 balanced diet, sleep, mindfulness-based stress reduction
21 techniques, moderate and vigorous intensity activities,
22 and recreational hobbies, which have been scientifically
23 proven to play a major role in brain health and mental
24 wellness.

25 (c) Task Force members shall recommend that administrators
26 and leadership personnel solicit training services from

1 evidence-based, data driven organizations. Organizations with
2 personnel trained on the analytical review and interpretation
3 of specific fields related to the nature of first responders'
4 exploits, such as PTSD, substance abuse, and chronic state of
5 duress. Task Force members shall further recommend funding for
6 expansion and messaging campaigns of preliminary
7 self-diagnosing technologies like the one described above.
8 These objectives could be met by:

9 (1) Contacting an accredited agency, association, or
10 organization recognized in the field or fields of specific
11 study. Unbeknownst to the majority, many of the agencies
12 and organizations listed above receive grants and
13 allocations to assist communities with the very issues
14 being discussed in this Section.

15 (2) Normalizing help-seeking behaviors for both first
16 responders and their families through regular messaging
17 and peer support outreach, beginning with academy
18 curricula and continuing education throughout individuals'
19 careers.

20 (3) Funding and implementing PSA campaigns that
21 provide clear and concise calls to action about mental
22 health and wellness, resiliency, help-seeking, treatment,
23 and recovery.

24 (4) Promoting and raising awareness of not-for-profit
25 organizations currently available to assist individuals in
26 search of care and treatment. Organizations have intuitive

1 user-friendly sites, most of which have mobile
2 applications, so first responders can access at a moment's
3 notice. However, because of limited funds, these
4 organizations have a challenging time of getting the word
5 out there about their existence.

6 (5) Expanding Family and Medical Leave Act protections
7 for individuals voluntarily seeking preventative
8 treatment.

9 (6) Promoting and ensuring complete patient
10 confidentiality protections.

11 (d) Task Force members shall recommend that agencies and
12 organizations incorporate the following training components
13 into already existing modules and educational curriculums.
14 Doing so could be done by:

15 (1) Bolstering academy and school curricula by
16 requiring depressive disorder training catered to PTSD,
17 substance abuse, and early detection techniques training,
18 taking into close consideration respective agency or
19 organization size, and the frequency and number of all
20 current federal and state mandatory examinations and
21 trainings expected respectively.

22 (2) Continuing to allocate or match federal and state
23 funds to maintain Mobile Training Units (MTUs).

24 (3) Incorporating a state certificate for peer support
25 training into already existing statewide curriculums and
26 mandatory examinations, annual State Fire Marshal

1 examinations, and physical fitness examinations. The
2 subject matter of the certificate should have an emphasis
3 on mental health and wellness, as well as familiarization
4 with topics ranging from clinical social work, clinical
5 psychology, clinical behaviorist, and clinical psychiatry.

6 (4) Incorporating and performing statewide mental
7 health check-ins during the same times as already mandated
8 trainings. These checks are not to be compared or used as
9 measures of fitness for duty evaluations or structured
10 psychological examinations.

11 (5) Recommending comprehensive and evidence-based
12 training on the importance of preventative measures on the
13 topics of sleep, nutrition, mindfulness, and physical
14 movement.

15 (6) Law enforcement agencies should provide training
16 on the Firearm Owners ~~Owner's~~ Identification Card Act,
17 including seeking relief from the Illinois State Police
18 under Section 10 of the Firearm Owners Identification Card
19 Act and a FOID card being a continued condition of
20 employment under Section 7.2 of the Uniform Peace
21 Officers' Disciplinary Act.

22 (Source: P.A. 102-352, eff. 6-1-22; 103-154, eff. 6-30-23;
23 103-605, eff. 7-1-24; revised 10-23-24.)

24 Section 45. The Election Code is amended by changing
25 Sections 16-3, 17-5, 17-12, and 28-3 and the heading of

1 Article 29 as follows:

2 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

3 Sec. 16-3. (a) The names of all candidates to be voted for
4 in each election district or precinct shall be printed on one
5 ballot, except as is provided in Sections 16-6, 16-6.1, and
6 21-1.01 of this Code and except as otherwise provided in this
7 Code with respect to the odd year regular elections and the
8 emergency referenda. The lettering of candidate names on a
9 ballot shall be in both capital and lowercase letters in
10 conformance with standard English language guidelines, unless
11 compliance is not feasible due to the election system utilized
12 by the election authority. All nominations of any political
13 party shall be placed under the party appellation or title of
14 such party as designated in the certificates of nomination or
15 petitions. The names of all independent candidates shall be
16 printed upon the ballot in a column or columns under the
17 heading "independent" arranged under the names or titles of
18 the respective offices for which such independent candidates
19 shall have been nominated and so far as practicable, the name
20 or names of any independent candidate or candidates for any
21 office shall be printed upon the ballot opposite the name or
22 names of any candidate or candidates for the same office
23 contained in any party column or columns upon said ballot. The
24 ballot shall contain no other names, except that in cases of
25 electors for President and Vice-President of the United

1 States, the names of the candidates for President and
2 Vice-President may be added to the party designation and words
3 calculated to aid the voter in his choice of candidates may be
4 added, such as "Vote for one," or "Vote for not more than
5 three".⁴ If no candidate or candidates file for an office and
6 if no person or persons file a declaration as a write-in
7 candidate for that office, then below the title of that office
8 the election authority instead shall print "No Candidate".
9 When an electronic voting system is used which utilizes a
10 ballot label booklet, the candidates and questions shall
11 appear on the pages of such booklet in the order provided by
12 this Code; and, in any case where candidates for an office
13 appear on a page which does not contain the name of any
14 candidate for another office, and where less than 50% of the
15 page is utilized, the name of no candidate shall be printed on
16 the lowest 25% of such page. On the back or outside of the
17 ballot, so as to appear when folded, shall be printed the words
18 "Official Ballot", followed by the designation of the polling
19 place for which the ballot is prepared, the date of the
20 election and a facsimile of the signature of the election
21 authority who has caused the ballots to be printed. The
22 ballots shall be of plain white paper, through which the
23 printing or writing cannot be read. However, ballots for use
24 at the nonpartisan and consolidated elections may be printed
25 on different color paper, except blue paper, whenever
26 necessary or desirable to facilitate distinguishing between

1 ballots for different political subdivisions. In the case of
2 nonpartisan elections for officers of a political subdivision,
3 unless the statute or an ordinance adopted pursuant to Article
4 VII of the Constitution providing the form of government
5 therefor requires otherwise, the column listing such
6 nonpartisan candidates shall be printed with no appellation or
7 circle at its head. The party appellation or title, or the word
8 "independent" at the head of any column provided for
9 independent candidates, shall be printed in letters not less
10 than one-fourth of an inch in height and a circle one-half inch
11 in diameter shall be printed at the beginning of the line in
12 which such appellation or title is printed, provided, however,
13 that no such circle shall be printed at the head of any column
14 or columns provided for such independent candidates. The names
15 of candidates shall be printed in letters not less than
16 one-eighth nor more than one-fourth of an inch in height, and
17 at the beginning of each line in which a name of a candidate is
18 printed a square shall be printed, the sides of which shall be
19 not less than one-fourth of an inch in length. However, the
20 names of the candidates for Governor and Lieutenant Governor
21 on the same ticket shall be printed within a bracket and a
22 single square shall be printed in front of the bracket. The
23 list of candidates of the several parties and any such list of
24 independent candidates shall be placed in separate columns on
25 the ballot in such order as the election authorities charged
26 with the printing of the ballots shall decide; provided, that

1 the names of the candidates of the several political parties,
2 certified by the State Board of Elections to the several
3 county clerks shall be printed by the county clerk of the
4 proper county on the official ballot in the order certified by
5 the State Board of Elections. Any county clerk refusing,
6 neglecting or failing to print on the official ballot the
7 names of candidates of the several political parties in the
8 order certified by the State Board of Elections, and any
9 county clerk who prints or causes to be printed upon the
10 official ballot the name of a candidate, for an office to be
11 filled by the Electors of the entire State, whose name has not
12 been duly certified to him upon a certificate signed by the
13 State Board of Elections shall be guilty of a Class C
14 misdemeanor.

15 (b) When an electronic voting system is used which
16 utilizes a ballot card, on the inside flap of each ballot card
17 envelope there shall be printed a form for write-in voting
18 which shall be substantially as follows:

19 WRITE-IN VOTES

20 (See card of instructions for specific information.
21 Duplicate form below by hand for additional write-in votes.)

22 Setback Description Setback Distance

23 Write-in lines equal to the number of candidates for which
24 a voter may vote shall be printed for an office only if one or
25 more persons filed declarations of intent to be write-in
26 candidates or qualify to file declarations to be write-in

1 candidates under Sections 17-16.1 and 18-9.1 when the
2 certification of ballot contains the words "OBJECTION
3 PENDING".

4 (c) When an electronic voting system is used which uses a
5 ballot sheet, the instructions to voters on the ballot sheet
6 shall refer the voter to the card of instructions for specific
7 information on write-in voting. Below each office appearing on
8 such ballot sheet there shall be a provision for the casting of
9 a write-in vote. Write-in lines equal to the number of
10 candidates for which a voter may vote shall be printed for an
11 office only if one or more persons filed declarations of
12 intent to be write-in candidates or qualify to file
13 declarations to be write-in candidates under Sections 17-16.1
14 and 18-9.1 when the certification of ballot contains the words
15 "OBJECTION PENDING".

16 (d) When such electronic system is used, there shall be
17 printed on the back of each ballot card, each ballot card
18 envelope, and the first page of the ballot label when a ballot
19 label is used, the words "Official Ballot," followed by the
20 number of the precinct or other precinct identification, which
21 may be stamped, in lieu thereof and, as applicable, the number
22 and name of the township, ward or other election district for
23 which the ballot card, ballot card envelope, and ballot label
24 are prepared, the date of the election and a facsimile of the
25 signature of the election authority who has caused the ballots
26 to be printed. The back of the ballot card shall also include a

1 method of identifying the ballot configuration such as a
2 listing of the political subdivisions and districts for which
3 votes may be cast on that ballot, or a number code identifying
4 the ballot configuration or color coded ballots, except that
5 where there is only one ballot configuration in a precinct,
6 the precinct identification, and any applicable ward
7 identification, shall be sufficient. Ballot card envelopes
8 used in punch card systems shall be of paper through which no
9 writing or punches may be discerned and shall be of sufficient
10 length to enclose all voting positions. However, the election
11 authority may provide ballot card envelopes on which no
12 precinct number or township, ward or other election district
13 designation, or election date are preprinted, if space and a
14 preprinted form are provided below the space provided for the
15 names of write-in candidates where such information may be
16 entered by the judges of election. Whenever an election
17 authority utilizes ballot card envelopes on which the election
18 date and precinct is not preprinted, a judge of election shall
19 mark such information for the particular precinct and election
20 on the envelope in ink before tallying and counting any
21 write-in vote written thereon. If some method of insuring
22 ballot secrecy other than an envelope is used, such
23 information must be provided on the ballot itself.

24 (e) In the designation of the name of a candidate on the
25 ballot, the candidate's given name or names, initial or
26 initials, a nickname by which the candidate is commonly known,

1 or a combination thereof, may be used in addition to the
2 candidate's surname. If a candidate has changed his or her
3 name, whether by a statutory or common law procedure in
4 Illinois or any other jurisdiction, within 3 years before the
5 last day for filing the petition for nomination, nomination
6 papers, or certificate of nomination for that office,
7 whichever is applicable, then (i) the candidate's name on the
8 ballot must be followed by "formerly known as (list all prior
9 names during the 3-year period) until name changed on (list
10 date of each such name change)" and (ii) the petition, papers,
11 or certificate must be accompanied by the candidate's
12 affidavit stating the candidate's previous names during the
13 period specified in (i) and the date or dates each of those
14 names was changed; failure to meet these requirements shall be
15 grounds for denying certification of the candidate's name for
16 the ballot or removing the candidate's name from the ballot,
17 as appropriate, but these requirements do not apply to name
18 changes resulting from adoption to assume an adoptive parent's
19 or parents' surname, marriage or civil union to assume a
20 spouse's surname, or dissolution of marriage or civil union or
21 declaration of invalidity of marriage or civil union to assume
22 a former surname or a name change that conforms the
23 candidate's name to his or her gender identity. No other
24 designation such as a political slogan, title, or degree or
25 nickname suggesting or implying possession of a title, degree
26 or professional status, or similar information may be used in

1 connection with the candidate's surname. For purposes of this
2 Section, a "political slogan" is defined as any word or words
3 expressing or connoting a position, opinion, or belief that
4 the candidate may espouse, including, but not limited to, any
5 word or words conveying any meaning other than that of the
6 personal identity of the candidate. A candidate may not use a
7 political slogan as part of his or her name on the ballot,
8 notwithstanding that the political slogan may be part of the
9 candidate's name.

10 (f) The State Board of Elections, a local election
11 official, or an election authority shall remove any
12 candidate's name designation from a ballot that is
13 inconsistent with subsection (e) of this Section. In addition,
14 the State Board of Elections, a local election official, or an
15 election authority shall not certify to any election authority
16 any candidate name designation that is inconsistent with
17 subsection (e) of this Section.

18 (g) If the State Board of Elections, a local election
19 official, or an election authority removes a candidate's name
20 designation from a ballot under subsection (f) of this
21 Section, then the aggrieved candidate may seek appropriate
22 relief in circuit court.

23 Where voting machines or electronic voting systems are
24 used, the provisions of this Section may be modified as
25 required or authorized by Article 24 or Article 24A, whichever
26 is applicable.

1 Nothing in this Section shall prohibit election
2 authorities from using or reusing ballot card envelopes which
3 were printed before January 1, 1986 (the effective date of
4 Public Act 84-820).

5 (Source: P.A. 102-15, eff. 6-17-21; 103-154, eff. 6-30-23;
6 103-467, eff. 8-4-23; revised 7-23-24.)

7 (10 ILCS 5/17-5) (from Ch. 46, par. 17-5)

8 Sec. 17-5. The manner of voting shall be by ballot. The
9 ballot shall be printed or written, or partly printed and
10 partly written, and shall be, ~~except as otherwise provided in~~
11 ~~Article 8A,~~ in the form ~~as~~ prescribed in Article 16 of this
12 Act.

13 (Source: Laws 1964, 1st S.S., p. 711; revised 7-23-24.)

14 (10 ILCS 5/17-12) (from Ch. 46, par. 17-12)

15 Sec. 17-12. The ballot shall be folded by the voter and
16 delivered to one of the judges of election; and if the judge is
17 ~~be~~ satisfied, that the person offering the vote is a legal
18 voter, the judges of election shall enter the name of the
19 voter, and his number, under the proper heading in the poll
20 books, ~~(except as otherwise provided in Article~~ Articles ~~4, 5,~~
21 or 6) and shall immediately put the ballot into the ballot box.

22 The voter shall in like manner fold and deliver the
23 separate blue ballot or ballots pertaining to a proposal or
24 proposals for constitutional amendments or the calling of a

1 constitutional convention, if such proposal or proposals have
2 been submitted to a vote of the people at such election ~~and~~
3 ~~shall also in like manner fold and deliver the separate~~
4 ~~representative ballot provided for in Article 8A in cases~~
5 ~~where that Article is applicable.~~ The judge of election to
6 whom the voter delivers his ballots shall not accept the same
7 unless all of the ballots given to the voter are returned by
8 him. If a voter delivers less than all of the ballots given to
9 him, the judge to whom the same are offered shall advise him in
10 a voice clearly audible to the other judges of election that
11 the voter must return the remainder of the ballots. The
12 statement of the judge to the voter shall clearly express the
13 fact that the voter is not required to vote such remaining
14 ballots but that whether or not he votes them he must fold and
15 deliver them to the judge. In making such statement, the judge
16 of election shall not indicate by word, gesture, or intonation
17 of voice that the unreturned ballots shall be voted in any
18 particular manner. No new voter shall be permitted to enter
19 the voting booth of a voter who has failed to deliver the total
20 number of ballots received by him until such voter has
21 returned to the voting booth pursuant to the judge's request
22 and again quit the booth with all of the ballots required to be
23 returned by him. Upon receipt of all such ballots, the judges
24 of election shall enter the name of the voter, and his number,
25 as above provided in this Section ~~section~~, and the judge to
26 whom the ballots are delivered shall immediately put the

1 ballots into the ballot box ~~but, in the case of an election for~~
2 ~~Representatives in the General Assembly pursuant to Article~~
3 ~~8A, the official representative ballot shall be placed in the~~
4 ~~separate ballot box provided for such purpose.~~ If any voter
5 who has failed to deliver all the ballots received by him
6 refuses to return to the voting booth after being advised by
7 the judge of election as herein provided, the judge shall
8 inform the other judges of such refusal, and thereupon the
9 ballot or ballots returned to the judge shall be deposited
10 into ~~in~~ the ballot box, the voter shall be permitted to depart
11 from the polling place, and a new voter shall be permitted to
12 enter the voting booth.

13 No judge of election shall accept from any voter less than
14 the full number of ballots received by such voter without
15 first advising the voter in the manner above provided of the
16 necessity of returning all of the ballots, nor shall any judge
17 advise such voter in a manner contrary to that which is herein
18 permitted, or in any other manner violate the provisions of
19 this Section ~~section~~; provided that the acceptance by a judge
20 of election of less than the full number of ballots delivered
21 to a voter who refuses to return to the voting booth after
22 being properly advised by the judge shall not be a violation of
23 this Section ~~section~~.

24 (Source: Laws 1964, 1st S.S., p. 711; revised 7-23-24.)

1 Sec. 28-3. Form of petition for public question. Petitions
2 for the submission of public questions shall consist of sheets
3 of uniform size and each sheet shall contain, above the space
4 for signature, an appropriate heading, giving the information
5 as to the question of public policy to be submitted, and
6 specifying the state at large or the political subdivision or
7 district or precinct or combination of precincts or other
8 territory in which it is to be submitted and, where by law the
9 public question must be submitted at a particular election,
10 the election at which it is to be submitted. In the case of a
11 petition for the submission of a public question described in
12 subsection (b) of Section 28-6, the heading shall also specify
13 the regular election at which the question is to be submitted
14 and include the precincts included in the territory concerning
15 which the public question is to be submitted, as well as a
16 common description of such territory in plain and nonlegal
17 language, such description to describe the territory by
18 reference to streets, natural or artificial landmarks,
19 addresses or any other method which would enable a voter
20 signing the petition to be informed of the territory
21 concerning which the question is to be submitted. The heading
22 of each sheet shall be the same. Such petition shall be signed
23 by the registered voters of the political subdivision or
24 district or precinct or combination of precincts in which the
25 question of public policy is to be submitted in their own
26 proper persons only, and opposite the signature of each signer

1 his residence address shall be written or printed, which
2 residence address shall include the street address or rural
3 route number of the signer, as the case may be, as well as the
4 signer's county, and city, village or town, and state;
5 provided that the county or city, village or town, and state of
6 residence of such electors may be printed on the petition
7 forms where all of the electors signing the petition reside in
8 the same county or city, village or town, and state. Standard
9 abbreviations may be used in writing the residence address,
10 including street number, if any. No signature shall be valid
11 or be counted in considering the validity or sufficiency of
12 such petition unless the requirements of this Section are
13 complied with.

14 At the bottom of each sheet of such petition shall be added
15 a circulator's statement, signed by a person 18 years of age or
16 older who is a citizen of the United States, stating the street
17 address or rural route number, as the case may be, as well as
18 the county, city, village or town, and state; certifying that
19 the signatures on that sheet of the petition were signed in his
20 or her presence and are genuine, and that to the best of his or
21 her knowledge and belief the persons so signing were at the
22 time of signing the petition registered voters of the
23 political subdivision or district or precinct or combination
24 of precincts in which the question of public policy is to be
25 submitted and that their respective residences are correctly
26 stated therein. Such statement shall be sworn to before some

1 officer authorized to administer oaths in this State.

2 Such sheets, before being filed with the proper officer or
3 board, shall be bound securely and numbered consecutively. The
4 sheets shall not be fastened by pasting them together end to
5 end, so as to form a continuous strip or roll. All petition
6 sheets which are filed with the proper local election
7 officials, election authorities or the State Board of
8 Elections shall be the original sheets which have been signed
9 by the voters and by the circulator, and not photocopies or
10 duplicates of such sheets. A petition, when presented or
11 filed, shall not be withdrawn, altered, or added to, and no
12 signature shall be revoked except by revocation in writing
13 presented or filed with the board or officer with whom the
14 petition is required to be presented or filed, and before the
15 presentment or filing of such petition, except as may
16 otherwise be provided in another statute which authorize the
17 public question. Whoever forges any name of a signer upon any
18 petition shall be deemed guilty of a forgery, and on
19 conviction thereof, shall be punished accordingly.

20 In addition to the foregoing requirements, a petition
21 proposing an amendment to Article IV of the Constitution
22 pursuant to Section 3 of Article XIV of the Constitution or a
23 petition proposing a question of public policy to be submitted
24 to the voters of the entire State shall be in conformity with
25 the requirements of Section 28-9 of this Article.

26 If multiple sets of petitions for submission of the same

1 public questions are filed, the State Board of Elections,
2 appropriate election authority or local election official
3 where the petitions are filed shall within 2 business days
4 notify the proponent of his or her multiple petition filings
5 and that proponent has 3 business days after receipt of the
6 notice to notify the State Board of Elections, appropriate
7 election authority or local election official that he or she
8 may cancel prior sets of petitions. If the proponent notifies
9 the State Board of Elections, appropriate election authority
10 or local election official, the last set of petitions filed
11 shall be the only petitions to be considered valid by the State
12 Board of Elections, appropriate election authority or local
13 election official. If the proponent fails to notify the State
14 Board of Elections, appropriate election authority or local
15 election official then only the first set of petitions filed
16 shall be valid and all subsequent petitions shall be void.

17 (Source: P.A. 98-756, eff. 7-16-14; revised 7-23-24.)

18 (10 ILCS 5/Art. 29 heading)

19 ARTICLE 29. PROHIBITIONS AND PENALTIES~~7~~

20 Section 50. The Uniform Faithful Presidential Electors Act
21 is amended by changing Section 5-1 as follows:

22 (10 ILCS 22/5-1)

23 Sec. 5-1. Short title. This Article ~~Act~~ may be cited as the

1 Uniform Faithful Presidential Electors Act. As used in this
2 Article, "this Act" refers to this Article.

3 (Source: P.A. 103-600, eff. 7-1-24; revised 10-23-24.)

4 Section 55. The Language Equity and Access Act is amended
5 by changing Section 10 as follows:

6 (15 ILCS 56/10)

7 Sec. 10. Definitions. In this Act:

8 "Interpretation" means listening to a communication in one
9 language and orally converting it to another language in a
10 manner that preserves the intent and meaning of the original
11 message.

12 "Language assistance services" means oral and written
13 language services needed to assist LEP persons ~~individuals~~ to
14 communicate effectively with staff, and to provide LEP persons
15 ~~individuals~~ with meaningful access to, and equal opportunity
16 to participate fully in, the services, activities, or other
17 programs administered by the State.

18 "Limited English proficient (LEP) person" means an
19 individual who does not speak English as his or her primary
20 language and who has a limited ability to read, speak, write,
21 or understand English.

22 "Meaningful access" means language assistance that results
23 in accurate, timely, and effective communication at no cost to
24 limited English proficient persons. For LEP persons,

1 meaningful access denotes access that is not unreasonably
2 restricted, delayed, or inferior as compared to access to
3 programs or activities provided to English proficient persons
4 ~~individuals~~.

5 "State agency" means an executive agency, department,
6 board, commission, or authority directly responsible to the
7 Governor.

8 "Translation" means the conversion of text from one
9 language to another in a written form to convey the intent and
10 essential meaning of the original text.

11 "Vital documents" means paper or electronic written
12 material that contains information that affects a person's
13 access to, retention of, termination of, or exclusion from
14 program services or benefits or is required by law.

15 (Source: P.A. 103-723, eff. 8-2-24; revised 10-23-24.)

16 Section 60. The Illinois Identification Card Act is
17 amended by changing Sections 4, 5, and 12 as follows:

18 (15 ILCS 335/4)

19 Sec. 4. Identification card.

20 (a) In accordance with the requirements of this Section,
21 the Secretary of State shall issue a standard Illinois
22 Identification Card, as well as a mobile Illinois
23 Identification Card, to any natural person who is a resident
24 of the State of Illinois who applies for such a card, or

1 renewal thereof. No identification card shall be issued to any
2 person who holds a valid foreign state identification card,
3 license, or permit unless the person first surrenders to the
4 Secretary of State the valid foreign state identification
5 card, license, or permit. The card shall be prepared and
6 supplied by the Secretary of State and shall include a
7 photograph and signature or mark of the applicant. However,
8 the Secretary of State may provide by rule for the issuance of
9 Illinois Identification Cards without photographs if the
10 applicant has a bona fide religious objection to being
11 photographed or to the display of his or her photograph. The
12 Illinois Identification Card may be used for identification
13 purposes in any lawful situation only by the person to whom it
14 was issued. As used in this Act, "photograph" means any color
15 photograph or digitally produced and captured image of an
16 applicant for an identification card. As used in this Act,
17 "signature" means the name of a person as written by that
18 person and captured in a manner acceptable to the Secretary of
19 State.

20 (a-5) If an applicant for an identification card has a
21 current driver's license or instruction permit issued by the
22 Secretary of State, the Secretary may require the applicant to
23 utilize the same residence address and name on the
24 identification card, driver's license, and instruction permit
25 records maintained by the Secretary. The Secretary may
26 promulgate rules to implement this provision.

1 (a-10) If the applicant is a judicial officer as defined
2 in Section 1-10 of the Judicial Privacy Act or a peace officer,
3 the applicant may elect to have his or her office or work
4 address listed on the card instead of the applicant's
5 residence or mailing address. The Secretary may promulgate
6 rules to implement this provision. For the purposes of this
7 subsection (a-10), "peace officer" means any person who by
8 virtue of his or her office or public employment is vested by
9 law with a duty to maintain public order or to make arrests for
10 a violation of any penal statute of this State, whether that
11 duty extends to all violations or is limited to specific
12 violations.

13 (a-15) The Secretary of State may provide for an expedited
14 process for the issuance of an Illinois Identification Card.
15 The Secretary shall charge an additional fee for the expedited
16 issuance of an Illinois Identification Card, to be set by
17 rule, not to exceed \$75. All fees collected by the Secretary
18 for expedited Illinois Identification Card service shall be
19 deposited into the Secretary of State Special Services Fund.
20 The Secretary may adopt rules regarding the eligibility,
21 process, and fee for an expedited Illinois Identification
22 Card. If the Secretary of State determines that the volume of
23 expedited identification card requests received on a given day
24 exceeds the ability of the Secretary to process those requests
25 in an expedited manner, the Secretary may decline to provide
26 expedited services, and the additional fee for the expedited

1 service shall be refunded to the applicant.

2 (a-20) The Secretary of State shall issue a standard
3 Illinois Identification Card to a person committed to the
4 Department of Corrections, the Department of Juvenile Justice,
5 a Federal Bureau of Prisons facility located in Illinois, or a
6 county jail or county department of corrections as follows: ~~if~~
7 ~~the person has a social security number,~~

8 (1) A committed person who has previously held an
9 Illinois Identification Card or an Illinois driver's
10 license shall submit an Identification Card verification
11 form to the Secretary of State, including a photograph
12 taken by the correctional facility, proof of residency
13 upon discharge, and a social security number, if the
14 committed person has a social security number. If the
15 committed person does not have a social security number
16 and is eligible for a social security number, the
17 Secretary of State shall not issue a standard Illinois
18 Identification Card until the committed person obtains a
19 social security number. If the committed person's
20 photograph and demographic information matches an existing
21 Illinois Identification Card or Illinois driver's license
22 and the Secretary of State verifies the applicant's social
23 security number with the Social Security Administration,
24 the Secretary of State shall issue the committed person a
25 standard Illinois Identification Card. If the photograph
26 or demographic information matches an existing Illinois

1 Identification Card or Illinois driver's license in
2 another person's name or identity, a standard Illinois
3 Identification Card shall not be issued until the
4 committed person submits a certified birth certificate and
5 social security card to the Secretary of State and the
6 Secretary of State verifies the identity of the committed
7 person. If the Secretary of State cannot find a match to an
8 existing Illinois Identification Card or Illinois driver's
9 license, the committed person may apply for a standard
10 Illinois Identification card as described in paragraph
11 (2).

12 (2) A committed person who has not previously held an
13 Illinois Identification Card or Illinois driver's license
14 or for whom a match cannot be found as described in
15 paragraph (1) shall submit an Illinois Identification Card
16 verification form, including a photograph taken by the
17 correctional facility, a certified birth certificate,
18 proof of residency upon discharge, and a social security
19 number, if the committed has a social security number. If
20 the committed person does not have a social security
21 number and is eligible for a social security number, the
22 Secretary of State shall not issue a standard Illinois
23 Identification Card until the committed person obtains a
24 social security number. If the Secretary of State verifies
25 the applicant's social security number with the Social
26 Security Administration, the Secretary of State shall

1 issue the committed person a standard Illinois
2 Identification Card.

3 The Illinois Identification Card verification form
4 described in this subsection shall be prescribed by the
5 Secretary of State. The Secretary of State and correctional
6 facilities in this State shall establish a secure method to
7 transfer the form.

8 (a-25) The Secretary of State shall issue a limited-term
9 Illinois Identification Card valid for 90 days to a committed
10 person upon release on parole, mandatory supervised release,
11 aftercare release, final discharge, or pardon from the
12 Department of Corrections, the Department of Juvenile Justice,
13 a Federal Bureau of Prisons facility located in Illinois, or a
14 county jail or county department of corrections, if the
15 released person does not obtain a standard Illinois
16 Identification Card as described in subsection (a-20) prior to
17 release but does present a Secretary of State prescribed
18 Identification Card verification form completed by the
19 correctional facility, verifying the released person's date of
20 birth, social security number, if the person has a social
21 security number, and his or her Illinois residence address.
22 The verification form must have been completed no more than 30
23 days prior to the date of application for the Illinois
24 Identification Card.

25 Prior to the expiration of the 90-day period of the
26 limited-term Illinois Identification Card, if the released

1 person submits to the Secretary of State a certified copy of
2 his or her birth certificate and his or her social security
3 card, if the person has a social security number, or other
4 documents authorized by the Secretary, a standard Illinois
5 Identification Card shall be issued. A limited-term Illinois
6 Identification Card may not be renewed.

7 This subsection shall not apply to a released person who
8 was unable to obtain a standard Illinois Identification Card
9 because his or her photograph or demographic information
10 matched an existing Illinois Identification Card or Illinois
11 driver's license in another person's name or identity or to a
12 released person who does not have a social security number and
13 is eligible for a social security number.

14 (a-30) The Secretary of State shall issue a standard
15 Illinois Identification Card to a person upon conditional
16 release or absolute discharge from the custody of the
17 Department of Human Services, if the person presents a
18 certified copy of his or her birth certificate, social
19 security card, if the person has a social security number, or
20 other documents authorized by the Secretary, and a document
21 proving his or her Illinois residence address. The Secretary
22 of State shall issue a standard Illinois Identification Card
23 to a person prior to his or her conditional release or absolute
24 discharge if personnel from the Department of Human Services
25 bring the person to a Secretary of State location with the
26 required documents. Documents proving residence address may

1 include any official document of the Department of Human
2 Services showing the person's address after release and a
3 Secretary of State prescribed verification form, which may be
4 executed by personnel of the Department of Human Services.

5 (a-35) The Secretary of State shall issue a limited-term
6 Illinois Identification Card valid for 90 days to a person
7 upon conditional release or absolute discharge from the
8 custody of the Department of Human Services, if the person is
9 unable to present a certified copy of his or her birth
10 certificate and social security card, if the person has a
11 social security number, or other documents authorized by the
12 Secretary, but does present a Secretary of State prescribed
13 verification form completed by the Department of Human
14 Services, verifying the person's date of birth and social
15 security number, if the person has a social security number,
16 and a document proving his or her Illinois residence address.
17 The verification form must have been completed no more than 30
18 days prior to the date of application for the Illinois
19 Identification Card. The Secretary of State shall issue a
20 limited-term Illinois Identification Card to a person no
21 sooner than 14 days prior to his or her conditional release or
22 absolute discharge if personnel from the Department of Human
23 Services bring the person to a Secretary of State location
24 with the required documents. Documents proving residence
25 address shall include any official document of the Department
26 of Human Services showing the person's address after release

1 and a Secretary of State prescribed verification form, which
2 may be executed by personnel of the Department of Human
3 Services.

4 (b) The Secretary of State shall issue a special Illinois
5 Identification Card, which shall be known as an Illinois
6 Person with a Disability Identification Card, to any natural
7 person who is a resident of the State of Illinois, who is a
8 person with a disability as defined in Section 4A of this Act,
9 who applies for such card, or renewal thereof. No Illinois
10 Person with a Disability Identification Card shall be issued
11 to any person who holds a valid foreign state identification
12 card, license, or permit unless the person first surrenders to
13 the Secretary of State the valid foreign state identification
14 card, license, or permit. The Secretary of State shall charge
15 no fee to issue such card. The card shall be prepared and
16 supplied by the Secretary of State, and shall include a
17 photograph and signature or mark of the applicant, a
18 designation indicating that the card is an Illinois Person
19 with a Disability Identification Card, and shall include a
20 comprehensible designation of the type and classification of
21 the applicant's disability as set out in Section 4A of this
22 Act. However, the Secretary of State may provide by rule for
23 the issuance of Illinois Person with a Disability
24 Identification Cards without photographs if the applicant has
25 a bona fide religious objection to being photographed or to
26 the display of his or her photograph. If the applicant so

1 requests, the card shall include a description of the
2 applicant's disability and any information about the
3 applicant's disability or medical history which the Secretary
4 determines would be helpful to the applicant in securing
5 emergency medical care. If a mark is used in lieu of a
6 signature, such mark shall be affixed to the card in the
7 presence of 2 ~~two~~ witnesses who attest to the authenticity of
8 the mark. The Illinois Person with a Disability Identification
9 Card may be used for identification purposes in any lawful
10 situation by the person to whom it was issued.

11 The Illinois Person with a Disability Identification Card
12 may be used as adequate documentation of disability in lieu of
13 a physician's determination of disability, a determination of
14 disability from a physician assistant, a determination of
15 disability from an advanced practice registered nurse, or any
16 other documentation of disability whenever any State law
17 requires that a person with a disability provide such
18 documentation of disability, however an Illinois Person with a
19 Disability Identification Card shall not qualify the
20 cardholder to participate in any program or to receive any
21 benefit which is not available to all persons with like
22 disabilities. Notwithstanding any other provisions of law, an
23 Illinois Person with a Disability Identification Card, or
24 evidence that the Secretary of State has issued an Illinois
25 Person with a Disability Identification Card, shall not be
26 used by any person other than the person named on such card to

1 prove that the person named on such card is a person with a
2 disability or for any other purpose unless the card is used for
3 the benefit of the person named on such card, and the person
4 named on such card consents to such use at the time the card is
5 so used.

6 An optometrist's determination of a visual disability
7 under Section 4A of this Act is acceptable as documentation
8 for the purpose of issuing an Illinois Person with a
9 Disability Identification Card.

10 When medical information is contained on an Illinois
11 Person with a Disability Identification Card, the Office of
12 the Secretary of State shall not be liable for any actions
13 taken based upon that medical information.

14 (c) The Secretary of State shall provide that each
15 original or renewal Illinois Identification Card or Illinois
16 Person with a Disability Identification Card issued to a
17 person under the age of 21 shall be of a distinct nature from
18 those Illinois Identification Cards or Illinois Person with a
19 Disability Identification Cards issued to individuals 21 years
20 of age or older. The color designated for Illinois
21 Identification Cards or Illinois Person with a Disability
22 Identification Cards for persons under the age of 21 shall be
23 at the discretion of the Secretary of State.

24 (c-1) Each original or renewal Illinois Identification
25 Card or Illinois Person with a Disability Identification Card
26 issued to a person under the age of 21 shall display the date

1 upon which the person becomes 18 years of age and the date upon
2 which the person becomes 21 years of age.

3 (c-3) The General Assembly recognizes the need to identify
4 military veterans living in this State for the purpose of
5 ensuring that they receive all of the services and benefits to
6 which they are legally entitled, including healthcare,
7 education assistance, and job placement. To assist the State
8 in identifying these veterans and delivering these vital
9 services and benefits, the Secretary of State is authorized to
10 issue Illinois Identification Cards and Illinois Person with a
11 Disability Identification Cards with the word "veteran"
12 appearing on the face of the cards. This authorization is
13 predicated on the unique status of veterans. The Secretary may
14 not issue any other identification card which identifies an
15 occupation, status, affiliation, hobby, or other unique
16 characteristics of the identification card holder which is
17 unrelated to the purpose of the identification card.

18 (c-5) Beginning on or before July 1, 2015, the Secretary
19 of State shall designate a space on each original or renewal
20 identification card where, at the request of the applicant,
21 the word "veteran" shall be placed. The veteran designation
22 shall be available to a person identified as a veteran under
23 subsection (b) of Section 5 of this Act who was discharged or
24 separated under honorable conditions.

25 (d) The Secretary of State may issue a Senior Citizen
26 discount card, to any natural person who is a resident of the

1 State of Illinois who is 60 years of age or older and who
2 applies for such a card or renewal thereof. The Secretary of
3 State shall charge no fee to issue such card. The card shall be
4 issued in every county and applications shall be made
5 available at, but not limited to, nutrition sites, senior
6 citizen centers and Area Agencies on Aging. The applicant,
7 upon receipt of such card and prior to its use for any purpose,
8 shall have affixed thereon in the space provided therefor his
9 signature or mark.

10 (e) The Secretary of State, in his or her discretion, may
11 designate on each Illinois Identification Card or Illinois
12 Person with a Disability Identification Card a space where the
13 card holder may place a sticker or decal, issued by the
14 Secretary of State, of uniform size as the Secretary may
15 specify, that shall indicate in appropriate language that the
16 card holder has renewed his or her Illinois Identification
17 Card or Illinois Person with a Disability Identification Card.

18 (f)(1) The Secretary of State may issue a mobile
19 identification card to an individual who is otherwise eligible
20 to hold a physical credential in addition to, and not instead
21 of, an identification card if the Secretary of State has
22 issued an identification card to the person. The data elements
23 that are used to build an electronic credential must match the
24 individual's current Department record.

25 (2) The Secretary may enter into agreements or contract
26 with an agency of the State, another state, the United States,

1 or a third party to facilitate the issuance, use, and
2 verification of a mobile identification card issued by the
3 Secretary or another state.

4 (3) Any mobile identification card issued by the Secretary
5 shall be in accordance with the most recent AAMVA standards.

6 (4) The Secretary shall design the mobile identification
7 card in a manner that allows the credential holder to maintain
8 physical possession of the device on which the mobile
9 identification card is accessed during verification.

10 (g) The verification process shall be implemented to
11 require:

12 (1) the relying parties to authenticate electronic
13 credentials in accordance with applicable AAMVA standards
14 prior to acceptance of the electronic credential;

15 (2) the Secretary to ensure that electronic credential
16 data is subject to all jurisdictional data security and
17 privacy protection laws and regulations; and

18 (3) the relying parties to request only electronic
19 credential data elements that are necessary to complete
20 the transaction for which data is being requested.

21 (h) Privacy and tracking of data shall be restricted by
22 implementing the following requirements:

23 (1) the relying parties shall retain only electronic
24 credential data elements for which the relying party
25 explicitly obtained consent from the electronic credential
26 holder and shall inform the electronic credential holder

1 of the use and retention period of the electronic data
2 elements;

3 (2) the Secretary shall use an electronic credential
4 system that is designed to maximize the privacy of the
5 credential holder in accordance with State and federal law
6 and shall not track or compile information without the
7 credential holder's consent; and

8 (3) the Department shall only compile and disclose
9 information regarding the use of the credential as
10 required by State or federal law.

11 (i)(1) The electronic credential holder shall be required
12 to have the holder's ~~their~~ physical credential on the holder's
13 ~~their~~ person for all purposes for which an identification card
14 is required. No person, public entity, private entity, or
15 agency shall establish a policy that requires an electronic
16 credential instead of a physical credential.

17 (2) Electronic credential systems shall be designed so
18 that there is no requirement for the electronic credential
19 holder to display or relinquish possession of the credential
20 holder's mobile device to relying parties for the acceptance
21 of an electronic credential.

22 (3) When required by law and upon request by law
23 enforcement, a credential holder must provide the credential
24 holder's physical credential.

25 (4) Any law or regulation that requires an individual to
26 surrender the individual's ~~their~~ physical credential to law

1 enforcement does not apply to the device on which an
2 electronic credential has been provisioned.

3 (j) A person may be required to produce when so requested a
4 physical identification card to a law enforcement officer, a
5 representative of a State or federal department or agency, or
6 a private entity and is subject to all applicable laws and
7 consequences for failure to produce such an identification
8 card.

9 (k) The Secretary of State shall adopt such rules as are
10 necessary to implement a mobile identification card.

11 (l) The display of a mobile identification card shall not
12 serve as consent or authorization for a law enforcement
13 officer, or any other person, to search, view, or access any
14 other data or application on the mobile device. If a person
15 presents the person's mobile device to a law enforcement
16 officer for purposes of displaying a mobile identification
17 card, the law enforcement officer shall promptly return the
18 mobile device to the person once the officer has had an
19 opportunity to verify the identity of the person. Except for
20 willful and wanton misconduct, any law enforcement officer,
21 court, or officer of the court presented with the device shall
22 be immune from any liability resulting from damage to the
23 mobile device.

24 (m) The fee to install the application to display a mobile
25 identification card as defined in this subsection shall not
26 exceed \$6.

1 (n) As used in this Section:

2 "AAMVA" means the American Association of Motor Vehicle
3 Administrators.

4 "Credential" means a driver's license, learner's permit,
5 or identification card.

6 "Credential holder" means the individual to whom a mobile
7 driver's license or a mobile identification card is issued.

8 "Data element" means a distinct component of a customer's
9 information that is found on the Department's customer record.

10 "Department" means the Secretary of State Department of
11 Driver Services.

12 "Electronic credential" means an electronic extension of
13 the departmental issued physical credential that conveys
14 identity and complies with AAMVA's mobile driver license
15 Implementation guidelines and the ISO/IEC 18013-5 standard.

16 "Electronic credential system" means a digital process
17 that includes a method for provisioning electronic
18 credentials, requesting and transmitting electronic credential
19 data elements, and performing tasks to maintain the system.

20 "Full profile" means all the information provided on an
21 identification card.

22 "ISO" means the International Organization for
23 Standardization, which creates uniform processes and
24 procedures.

25 "Limited profile" means a portion of the information
26 provided on an Identification Card.

1 "Mobile identification card" means a data file that is
2 available on any mobile device that has connectivity to the
3 Internet through an application that allows the mobile device
4 to download the data file from the Secretary of State, that
5 contains all the data elements visible on the face and back of
6 an identification card, and that displays the current status
7 of the identification card. "Mobile identification card" does
8 not include a copy, photograph, or image of an Illinois
9 Identification Card that is not downloaded through the
10 application on a mobile device.

11 "Physical credential" means a Department-issued ~~Department~~
12 ~~issued~~ document that conveys identity in accordance with the
13 Illinois Identification Card Act.

14 "Provision" means the initial loading of an electronic
15 credential onto a device.

16 "Relying party" means the entity to which the credential
17 holder presents the electronic credential.

18 "Verification process" means a method of authenticating
19 the electronic credential through the use of secured
20 encryption communication.

21 (o) ~~(f)~~ Upon providing the required documentation, at the
22 request of the applicant, the identification card may reflect
23 Gold Star Family designation. The Secretary shall designate a
24 space on each original or renewal of an identification card
25 for such designation. This designation shall be available to a
26 person eligible for Gold Star license plates under subsection

1 (f) of Section 6-106 of the Illinois Vehicle Code.

2 (Source: P.A. 102-299, eff. 8-6-21; 103-210, eff. 7-1-24;
3 103-345, eff. 1-1-24; 103-605, eff. 7-1-24; 103-782, eff.
4 8-6-24; 103-824, eff. 1-1-25; 103-933, eff. 1-1-25; revised
5 11-26-24.)

6 (15 ILCS 335/5)

7 Sec. 5. Applications.

8 (a) Any natural person who is a resident of the State of
9 Illinois may file an application for an identification card,
10 or for the renewal thereof, in a manner prescribed by the
11 Secretary. Each original application shall be completed by the
12 applicant in full and shall set forth the legal name,
13 residence address and zip code, social security number, if the
14 person has a social security number, birth date, sex and a
15 brief description of the applicant. The applicant shall be
16 photographed, unless the Secretary of State has provided by
17 rule for the issuance of identification cards without
18 photographs and the applicant is deemed eligible for an
19 identification card without a photograph under the terms and
20 conditions imposed by the Secretary of State, and he or she
21 shall also submit any other information as the Secretary may
22 deem necessary or such documentation as the Secretary may
23 require to determine the identity of the applicant. In
24 addition to the residence address, the Secretary may allow the
25 applicant to provide a mailing address. If the applicant is an

1 employee of the Department of Children and Family Services
2 with a job title of "Child Protection Specialist Trainee",
3 "Child Protection Specialist", "Child Protection Advanced
4 Specialist", "Child Welfare Specialist Trainee", "Child
5 Welfare Specialist", or "Child Welfare Advanced Specialist" or
6 a judicial officer as defined in Section 1-10 of the Judicial
7 Privacy Act or a peace officer, the applicant may elect to have
8 his or her office or work address in lieu of the applicant's
9 residence or mailing address. An applicant for an Illinois
10 Person with a Disability Identification Card must also submit
11 with each original or renewal application, on forms prescribed
12 by the Secretary, such documentation as the Secretary may
13 require, establishing that the applicant is a "person with a
14 disability" as defined in Section 4A of this Act, and setting
15 forth the applicant's type and class of disability as set
16 forth in Section 4A of this Act. For the purposes of this
17 subsection (a), "peace officer" means any person who by virtue
18 of his or her office or public employment is vested by law with
19 a duty to maintain public order or to make arrests for a
20 violation of any penal statute of this State, whether that
21 duty extends to all violations or is limited to specific
22 violations.

23 (a-5) Upon the first issuance of a request for proposals
24 for a digital driver's license and identification card
25 issuance and facial recognition system issued after January 1,
26 2020 (the effective date of Public Act 101-513), and upon

1 implementation of a new or revised system procured pursuant to
2 that request for proposals, the Secretary shall permit
3 applicants to choose between "male", "female", or "non-binary"
4 when designating the applicant's sex on the identification
5 card application form. The sex designated by the applicant
6 shall be displayed on the identification card issued to the
7 applicant.

8 (b) Beginning on or before July 1, 2015, for each original
9 or renewal identification card application under this Act, the
10 Secretary shall inquire as to whether the applicant is a
11 veteran for purposes of issuing an identification card with a
12 veteran designation under subsection (c-5) of Section 4 of
13 this Act. The acceptable forms of proof shall include, but are
14 not limited to, Department of Defense form DD-214, Department
15 of Defense form DD-256 for applicants who did not receive a
16 form DD-214 upon the completion of initial basic training,
17 Department of Defense form DD-2 (Retired), an identification
18 card issued under the federal Veterans Identification Card Act
19 of 2015, or a United States Department of Veterans Affairs
20 summary of benefits letter. If the document cannot be stamped,
21 the Illinois Department of Veterans' Affairs shall provide a
22 certificate to the veteran to provide to the Secretary of
23 State. The Illinois Department of Veterans' Affairs shall
24 advise the Secretary as to what other forms of proof of a
25 person's status as a veteran are acceptable.

26 For each applicant who is issued an identification card

1 with a veteran designation, the Secretary shall provide the
2 Department of Veterans' Affairs with the applicant's name,
3 address, date of birth, gender, and such other demographic
4 information as agreed to by the Secretary and the Department.
5 The Department may take steps necessary to confirm the
6 applicant is a veteran. If after due diligence, including
7 writing to the applicant at the address provided by the
8 Secretary, the Department is unable to verify the applicant's
9 veteran status, the Department shall inform the Secretary, who
10 shall notify the applicant that he or she must confirm status
11 as a veteran, or the identification card will be canceled
12 ~~cancelled~~.

13 For purposes of this subsection (b):

14 "Armed forces" means any of the Armed Forces of the United
15 States, including a member of any reserve component or
16 National Guard unit.

17 "Veteran" means a person who has served in the armed
18 forces and was discharged or separated under honorable
19 conditions.

20 (b-1) An applicant who is eligible for Gold Star license
21 plates under Section 3-664 of the Illinois Vehicle Code may
22 apply for an identification card with space for a designation
23 as a Gold Star Family. The Secretary may waive any fee for this
24 application. If the Secretary does not waive the fee, any fee
25 charged to the applicant must be deposited into the Illinois
26 Veterans Assistance Fund. The Secretary is authorized to issue

1 rules to implement this subsection.

2 (c) All applicants for REAL ID compliant standard Illinois
3 Identification Cards and Illinois Person with a Disability
4 Identification Cards shall provide proof of lawful status in
5 the United States as defined in 6 CFR 37.3, as amended.
6 Applicants who are unable to provide the Secretary with proof
7 of lawful status are ineligible for REAL ID compliant
8 identification cards under this Act.

9 (d) The Secretary of State may accept, as proof of date of
10 birth and written signature for any applicant for a standard
11 identification card who does not have a social security number
12 or documentation issued by the United States Department of
13 Homeland Security authorizing the applicant's presence in this
14 country, any passport validly issued to the applicant from the
15 applicant's country of citizenship or a consular
16 identification document validly issued to the applicant by a
17 consulate of that country as defined in Section 5 of the
18 Consular Identification Document Act. Any such documents must
19 be either unexpired or presented by an applicant within 2
20 years of its expiration date.

21 (Source: P.A. 102-558, eff. 8-20-21; 103-210, eff. 7-1-24;
22 103-888, eff. 8-9-24; 103-933, eff. 1-1-25; revised 12-1-24.)

23 (15 ILCS 335/12) (from Ch. 124, par. 32)

24 Sec. 12. Fees concerning standard Illinois Identification
25 Cards. The fees required under this Act for standard Illinois

1 Identification Cards must accompany any application provided
2 for in this Act, and the Secretary shall collect such fees as
3 follows:

4	a. Original card	\$20
5	b. Renewal card	20
6	c. Corrected card	10
7	d. Duplicate card	20
8	e. Certified copy with seal	5
9	f. (Blank)	
10	g. Applicant 65 years of age or over	No Fee
11	h. (Blank)	
12	i. Individual living in Veterans	
13	Home or Hospital	No Fee
14	j. Original card under 18 years of age	\$5
15	k. Renewal card under 18 years of age	\$5
16	l. Corrected card under 18 years of age	\$5
17	m. Duplicate card under 18 years of age	\$5
18	n. Homeless person	No Fee
19	o. Duplicate card issued to an active-duty	
20	member of the United States Armed Forces,	
21	the member's spouse, or dependent children	
22	living with the member	No Fee
23	p. Duplicate temporary card	\$5
24	q. First card issued to a youth	
25	for whom the Department of Children	
26	and Family Services is legally responsible	

1 or a foster child upon turning the age of

2 16 years old until he or she reaches

3 the age of 21 years old No Fee

4 r. Original card issued to a committed

5 person upon release from the

6 Department of Corrections, the

7 Department of Juvenile Justice,

8 a Federal Bureau of Prisons

9 facility located in Illinois,

10 or a county jail or a county

11 department of corrections No Fee

12 s. Limited-term Illinois Identification

13 Card issued to a committed person

14 upon release from the Department of

15 Corrections, the Department of

16 Juvenile Justice, a Federal Bureau

17 of Prisons facility located in

18 Illinois, or a county jail or a

19 county department of corrections No Fee

20 t. Original card issued to a

21 person up to 14 days prior

22 to or upon conditional release

23 or absolute discharge from

24 the Department of Human Services No Fee

25 u. Limited-term Illinois Identification

26 Card issued to a person up to

1 14 days prior to or upon
2 conditional release or absolute discharge
3 from the Department of Human Services No Fee
4

5 All fees collected under this Act shall be paid into the
6 Road Fund of the State treasury, except that the following
7 amounts shall be paid into the General Revenue Fund: (i) 80% of
8 the fee for an original, renewal, or duplicate Illinois
9 Identification Card issued on or after January 1, 2005; and
10 (ii) 80% of the fee for a corrected Illinois Identification
11 Card issued on or after January 1, 2005.

12 An individual, who resides in a veterans home or veterans
13 hospital operated by the State or federal government, who
14 makes an application for an Illinois Identification Card to be
15 issued at no fee, must submit, along with the application, an
16 affirmation by the applicant on a form provided by the
17 Secretary of State, that such person resides in a veterans
18 home or veterans hospital operated by the State or federal
19 government.

20 The application of a homeless individual for an Illinois
21 Identification Card to be issued at no fee must be accompanied
22 by an affirmation by a qualified person, as defined in Section
23 4C of this Act, on a form provided by the Secretary of State,
24 that the applicant is currently homeless as defined in Section
25 1A of this Act.

26 For the application for the first Illinois Identification

1 Card of a youth for whom the Department of Children and Family
2 Services is legally responsible or a foster child to be issued
3 at no fee, the youth must submit, along with the application,
4 an affirmation by his or her court appointed attorney or an
5 employee of the Department of Children and Family Services on
6 a form provided by the Secretary of State, that the person is a
7 youth for whom the Department of Children and Family Services
8 is legally responsible or a foster child.

9 The fee for any duplicate identification card shall be
10 waived for any person who presents the Secretary of State's
11 Office with a police report showing that his or her
12 identification card was stolen.

13 The fee for any duplicate identification card shall be
14 waived for any person age 60 or older whose identification
15 card has been lost or stolen.

16 As used in this Section, "active-duty member of the United
17 States Armed Forces" means a member of the Armed Services or
18 Reserve Forces of the United States or a member of the Illinois
19 National Guard who is called to active duty pursuant to an
20 executive order of the President of the United States, an act
21 of the Congress of the United States, or an order of the
22 Governor.

23 (Source: P.A. 103-782, eff. 8-6-24; revised 10-21-24.)

24 Section 65. The State Treasurer Act is amended by changing
25 Section 16.8 as follows:

1 (15 ILCS 505/16.8)

2 Sec. 16.8. Illinois Higher Education Savings Program.

3 (a) Definitions. As used in this Section:

4 "Beneficiary" means an eligible child named as a recipient
5 of seed funds.

6 "Eligible child" means a child born or adopted after
7 December 31, 2022, to a parent who is a resident of Illinois at
8 the time of the birth or adoption, as evidenced by
9 documentation received by the State Treasurer from the
10 Department of Revenue, the Department of Public Health,
11 another State or local government agency, or a parent or legal
12 guardian of the child.

13 "Eligible educational institution" means institutions that
14 are described in Section 1001 of the federal Higher Education
15 Act of 1965 that are eligible to participate in Department of
16 Education student aid programs.

17 "Fund" means the Illinois Higher Education Savings Program
18 Fund.

19 "Omnibus account" means the pooled collection of seed
20 funds owned and managed by the State Treasurer in the College
21 Savings Pool under this Act.

22 "Program" means the Illinois Higher Education Savings
23 Program.

24 "Qualified higher education expense" means the following:
25 (i) tuition, fees, and the costs of books, supplies, and

1 equipment required for enrollment or attendance at an eligible
2 educational institution; (ii) expenses for special needs
3 services, in the case of a special needs beneficiary, which
4 are incurred in connection with such enrollment or attendance;
5 (iii) certain expenses for the purchase of computer or
6 peripheral equipment, computer software, or Internet access
7 and related services as defined under Section 529 of the
8 Internal Revenue Code; (iv) room and board expenses incurred
9 while attending an eligible educational institution at least
10 half-time; (v) expenses for fees, books, supplies, and
11 equipment required for the participation of a designated
12 beneficiary in an apprenticeship program registered and
13 certified with the Secretary of Labor under the National
14 Apprenticeship Act (29 U.S.C. 50); and (vi) amounts paid as
15 principal or interest on any qualified education loan of the
16 designated beneficiary or a sibling of the designated
17 beneficiary, as allowed under Section 529 of the Internal
18 Revenue Code.

19 "Seed funds" means the deposit made by the State Treasurer
20 into the Omnibus Accounts for Program beneficiaries.

21 (b) Program established. The State Treasurer shall
22 establish the Illinois Higher Education Savings Program as a
23 part of the College Savings Pool under Section 16.5 of this
24 Act, subject to appropriation by the General Assembly. The
25 State Treasurer shall administer the Program for the purposes
26 of expanding access to higher education through savings.

1 (c) Program enrollment. The State Treasurer shall enroll
2 all eligible children in the Program beginning in 2023, after
3 receiving records of recent births, adoptions, or dependents
4 from the Department of Revenue, the Department of Public
5 Health, another State or local government agency designated by
6 the State Treasurer, or documentation as may be required by
7 the State Treasurer from a parent or legal guardian of the
8 eligible child. Notwithstanding any court order which would
9 otherwise prevent the release of information, the Department
10 of Public Health is authorized to release the information
11 specified under this subsection (c) to the State Treasurer for
12 the purposes of the Program established under this Section.

13 (1) Beginning in 2021, the Department of Public Health
14 shall provide the State Treasurer with information on
15 recent Illinois births and adoptions including, but not
16 limited to: the full name, residential address, birth
17 date, and birth record number of the child and the full
18 name and residential address of the child's parent or
19 legal guardian for the purpose of enrolling eligible
20 children in the Program. This data shall be provided to
21 the State Treasurer by the Department of Public Health on
22 a quarterly basis, no later than 30 days after the end of
23 each quarter, or some other date and frequency as mutually
24 agreed to by the State Treasurer and the Department of
25 Public Health.

26 (1.5) Beginning in 2021, the Department of Revenue

1 shall provide the State Treasurer with information on tax
2 filers claiming dependents or the adoption tax credit,
3 including, but not limited to: the full name, residential
4 address, email address, phone number, birth date, and
5 social security number or taxpayer identification number
6 of the dependent child and of the child's parent or legal
7 guardian for the purpose of enrolling eligible children in
8 the Program. Beginning July 1, 2024, the Department of
9 Revenue shall provide the State Treasurer with the
10 adjusted gross income of tax filers claiming dependents or
11 the adoption tax credit. This data shall be provided to
12 the State Treasurer by the Department of Revenue on at
13 least an annual basis, by July 1 of each year or another
14 date jointly determined by the State Treasurer and the
15 Department of Revenue. Notwithstanding anything to the
16 contrary contained within this paragraph (2), the
17 Department of Revenue shall not be required to share any
18 information that would be contrary to federal law,
19 regulation, or Internal Revenue Service Publication 1075.

20 (2) The State Treasurer shall ensure the security and
21 confidentiality of the information provided by the
22 Department of Revenue, the Department of Public Health, or
23 another State or local government agency, and it shall not
24 be subject to release under the Freedom of Information
25 Act.

26 (3) Information provided under this Section shall only

1 be used by the State Treasurer for the Program and shall
2 not be used for any other purpose.

3 (4) The State Treasurer and any vendors working on the
4 Program shall maintain strict confidentiality of any
5 information provided under this Section, and shall
6 promptly provide written or electronic notice to the
7 providing agency of any security breach. The providing
8 State or local government agency shall remain the sole and
9 exclusive owner of information provided under this
10 Section.

11 (d) Seed funds. After receiving information on recent
12 births, adoptions, or dependents from the Department of
13 Revenue, the Department of Public Health, another State or
14 local government agency, or documentation as may be required
15 by the State Treasurer from a parent or legal guardian of the
16 eligible child, the State Treasurer shall make deposits into
17 an omnibus account on behalf of eligible children. The State
18 Treasurer shall be the owner of the omnibus accounts.

19 (1) Deposit amount. The seed fund deposit for each
20 eligible child shall be in the amount of \$50. This amount
21 may be increased by the State Treasurer by rule. The State
22 Treasurer may use or deposit funds appropriated by the
23 General Assembly together with moneys received as gifts,
24 grants, or contributions into the Fund. If insufficient
25 funds are available in the Fund, the State Treasurer may
26 reduce the deposit amount or forgo ~~forego~~ deposits.

1 (2) Use of seed funds. Seed funds, including any
2 interest, dividends, and other earnings accrued, will be
3 eligible for use by a beneficiary for qualified higher
4 education expenses if:

5 (A) the parent or guardian of the eligible child
6 claimed the seed funds for the beneficiary by the
7 beneficiary's 10th birthday;

8 (B) the beneficiary has completed secondary
9 education or has reached the age of 18; and

10 (C) the beneficiary is currently a resident of the
11 State of Illinois. Non-residents are not eligible to
12 claim or use seed funds.

13 (3) Notice of seed fund availability. The State
14 Treasurer shall make a good faith effort to notify
15 beneficiaries and their parents or legal guardians of the
16 seed funds' availability and the deadline to claim such
17 funds.

18 (4) Unclaimed seed funds. Seed funds and any interest
19 earnings that are unclaimed by the beneficiary's 10th
20 birthday or unused by the beneficiary's 26th birthday will
21 be considered forfeited. Unclaimed and unused seed funds
22 and any interest earnings will remain in the omnibus
23 account for future beneficiaries.

24 (e) Financial education. The State Treasurer may develop
25 educational materials that support the financial literacy of
26 beneficiaries and their legal guardians, and may do so in

1 collaboration with State and federal agencies, including, but
2 not limited to, the Illinois State Board of Education and
3 existing nonprofit agencies with expertise in financial
4 literacy and education.

5 (f) Supplementary deposits and partnerships. The State
6 Treasurer may make supplementary deposits if sufficient funds
7 are available and if funds are deposited into the omnibus
8 accounts as described in subsection (d). Subject to
9 appropriation, the State Treasurer may make supplementary
10 deposits of \$50, or greater if designated by the State
11 Treasurer by rule, into the account of each beneficiary whose
12 parent or legal guardian has an adjusted gross income below
13 the Illinois median household income as determined by the most
14 recent U.S. Census Bureau American Community Survey 5-Year
15 Data for the previous calendar year. The supplementary
16 deposits shall be limited to one deposit per beneficiary.
17 Furthermore, the State Treasurer may develop partnerships with
18 private, nonprofit, or governmental organizations to provide
19 additional savings incentives, including conditional cash
20 transfers or matching contributions that provide a savings
21 incentive based on specific actions taken or other criteria.

22 (g) Illinois Higher Education Savings Program Fund. The
23 Illinois Higher Education Savings Program Fund is hereby
24 established as a special fund in the State treasury. The Fund
25 shall be the official repository of all contributions,
26 appropriated funds, interest, and dividend payments, gifts, or

1 other financial assets received by the State Treasurer in
2 connection with the operation of the Program or related
3 partnerships. All such moneys shall be deposited into the Fund
4 and held by the State Treasurer as custodian thereof. The
5 State Treasurer may accept gifts, grants, awards, matching
6 contributions, interest income, and appropriated funds from
7 individuals, businesses, governments, and other third-party
8 sources to implement the Program on terms that the State
9 Treasurer deems advisable. All interest or other earnings
10 accruing or received on amounts in the Illinois Higher
11 Education Savings Program Fund shall be credited to and
12 retained by the Fund and used for the benefit of the Program.
13 Assets of the Fund must at all times be preserved, invested,
14 and expended only for the purposes of the Program and must be
15 held for the benefit of the beneficiaries. Assets may not be
16 transferred or used by the State or the State Treasurer for any
17 purposes other than the purposes of the Program. In addition,
18 no moneys, interest, or other earnings paid into the Fund
19 shall be used, temporarily or otherwise, for inter-fund
20 borrowing or be otherwise used or appropriated except as
21 expressly authorized by this Act. Notwithstanding the
22 requirements of this subsection (g), amounts in the Fund may
23 be used by the State Treasurer to pay the administrative costs
24 of the Program.

25 (g-5) Fund deposits and payments. On July 15 of each year,
26 beginning July 15, 2023, or as soon thereafter as practical,

1 the State Comptroller shall direct and the State Treasurer
2 shall transfer the sum of \$2,500,000, or the amount that is
3 appropriated annually by the General Assembly, whichever is
4 greater, from the General Revenue Fund to the Illinois Higher
5 Education Savings Program Fund to be used for the
6 administration and operation of the Program.

7 (h) Audits and reports. The State Treasurer shall include
8 the Illinois Higher Education Savings Program as part of the
9 audit of the College Savings Pool described in Section 16.5.
10 The State Treasurer shall annually prepare a report that
11 includes a summary of the Program operations for the preceding
12 fiscal year, including the number of children enrolled in the
13 Program, the total amount of seed fund deposits, the rate of
14 seed deposits claimed, and, to the extent data is reported and
15 available, the racial, ethnic, socioeconomic, and geographic
16 data of beneficiaries and of children who may receive
17 automatic bonus deposits. Such other information that is
18 relevant to make a full disclosure of the operations of the
19 Program and Fund may also be reported. The report shall be made
20 available on the State Treasurer's website by January 31 each
21 year, starting in January of 2024. The State Treasurer may
22 include the Program in other reports as warranted.

23 (i) Rules. The State Treasurer may adopt rules necessary
24 to implement this Section.

25 (Source: P.A. 102-129, eff. 7-23-21; 102-558, eff. 8-20-21;
26 102-1047, eff. 1-1-23; 103-8, eff. 6-7-23; 103-604, eff.

7-1-24; 103-778, eff. 8-2-24; revised 10-7-24.)

Section 70. The Civil Administrative Code of Illinois is amended by changing Sections 5-10 and 5-717 as follows:

(20 ILCS 5/5-10)

Sec. 5-10. "Director". As used in the Civil Administrative Code of Illinois, unless the context clearly indicates otherwise, the word "director" means the directors of the departments of State government as designated in Section 5-20 of this Law and includes the Secretary of Early Childhood, the Secretary of Financial and Professional Regulation, the Secretary of Innovation and Technology, the Secretary of Human Services, and the Secretary of Transportation.

(Source: P.A. 103-594, eff. 6-25-24; 103-708, eff. 1-1-25; revised 11-26-24.)

(20 ILCS 5/5-717)

Sec. 5-717. Military portability licensure for service members and service members' spouses.

(a) In this Section:

"Division" means the Division of Professional Regulation of the Department of Financial and Professional Regulation or the Division of Real Estate of the Department of Financial and Professional Regulation.

"Service member" means any person who, at the time of

1 application under this Section, is an active duty member of
2 the United States Armed Forces or any reserve component of the
3 United States Armed Forces, the Coast Guard, or the National
4 Guard of any state, commonwealth, or territory of the United
5 States or the District of Columbia.

6 "Spouse" means a party to a marriage, civil union, or
7 registered domestic partnership.

8 (b) The Department of Financial and Professional
9 Regulation is authorized to issue a professional portability
10 license to (1) a service member who is an out-of-state
11 licensee and is under official United States military orders
12 to relocate to the State of Illinois or (2) an out-of-state
13 licensee whose spouse is a service member under official
14 United States military orders to relocate to the State of
15 Illinois. The service member or the service member's spouse
16 need not reside in this State at the time of application.
17 Notwithstanding any other law to the contrary, the portability
18 license shall be issued by the Division only if the applicant
19 fulfills all the requirements of this Section and Section
20 2105-135 of the Department of Professional Regulation Law of
21 the Civil Administrative Code of Illinois.

22 (c) The portability license shall be issued after a
23 complete application is submitted to the Division that
24 includes proof of the following:

- 25 (1) The applicant is a service member or the spouse of
26 a service member.

1 (2) The applicant or applicant's spouse is assigned to
2 a duty station in this State, has established legal
3 residence or will reside in this State pursuant to
4 military relocation orders after the date of application,
5 and can provide an official copy of those orders.

6 (3) The applicant's license is in good standing and is
7 not subject to a disciplinary order encumbering the
8 license in any other state, commonwealth, district, or
9 territory of the United States or any foreign jurisdiction
10 where the applicant holds a license and practices in the
11 same profession with the same or similar scope of practice
12 for which the applicant is applying, and the applicant can
13 submit official verification of good standing and
14 disciplinary history from each of those licensing
15 authorities. For health care professional applicants, the
16 Division's review of good standing is governed by this
17 subsection, subsection (h), and all other applicable State
18 laws and rules.

19 (4) The applicant was actively licensed in the same
20 profession with the same or similar scope of practice for
21 which the applicant is applying for at least 2 years
22 immediately preceding the relocation.

23 (5) A complete set of the applicant's fingerprints has
24 been submitted to the Illinois State Police for statewide
25 and national criminal history checks, if applicable to the
26 requirements of the professional regulatory Act. The

1 applicant shall pay the fee to the Illinois State Police
2 or to the vendor for electronic fingerprint processing. No
3 license shall be issued to an applicant if any review of
4 criminal history or disclosure would cause the denial of
5 an application for licensure under the applicable
6 licensing Act.

7 (6) The applicant has submitted the application for
8 portability licensure and paid the required, nonrefundable
9 initial application fee for that profession under its
10 respective Act and rules.

11 (d) Service members or the spouses of service members
12 granted portability licenses under this Section shall submit
13 to the jurisdiction of the Division for purposes of the laws
14 and rules administered, related standards of practice, and
15 disciplinary authority. A license granted under this Section
16 is subject to all statutes, rules, and regulations governing
17 the license. This includes compliance with renewal and
18 continuing education requirements of the licensing act and
19 rules adopted during the period of licensure.

20 (e) Notwithstanding any other law, if the Division finds
21 that the applicant failed to meet the requirements of
22 subsection (c) or provided inaccurate or misleading
23 information on the application, the Division may suspend the
24 license pending further investigation or notice to discipline
25 the portability license.

26 (f)(1) The duration of the portability license is from

1 issuance through the next renewal period for that regulated
2 profession. At the time of the license's renewal, the service
3 member or the service member's spouse may apply for another
4 portability license if the military orders continue or are
5 extended past the renewal date or if new orders are given for
6 duty in this State. While the portability license is held, the
7 service member or the service member's spouse may apply for
8 full licensure by examination, endorsement, or reciprocity
9 pursuant to the service member's or the service member's
10 spouse's respective professional licensing Act or rules.

11 (2) Once a portability license has expired or is not
12 renewed, the service member or the service member's spouse
13 cannot continue practicing in this State until the service
14 member or the service member's spouse obtains licensure by
15 examination, endorsement, or reciprocity, which includes
16 completion and passage of all pre-license education and
17 examination requirements under the applicable professional
18 licensing Act and rules.

19 (g) An individual is ineligible to apply under this
20 Section if:

21 (1) the individual is disqualified under Section
22 2105-165;

23 (2) the license the individual is seeking is subject
24 to an interstate compact; or

25 (3) the individual seeks a real estate appraiser
26 license.

1 (h) All service members and the spouses of service members
2 who apply under this Section and Section 5-715 who are
3 licensed in another jurisdiction as health care professionals,
4 and who are seeking a health care professional license
5 regulated by the Division and subject to the applicable
6 licensing Acts shall not be denied an initial or renewal
7 license:

8 (1) if the applicant has a prior, current, or pending
9 disciplinary action in another jurisdiction solely based
10 on providing, authorizing, recommending, aiding,
11 assisting, referring for, or otherwise participating in
12 health care services that are not unlawful in this State
13 and consistent with the standards of conduct in Illinois;

14 (2) if the applicant has a prior, current, or pending
15 disciplinary action in another jurisdiction solely based
16 on violating another jurisdiction or state's laws
17 prohibiting the provision of, authorization of,
18 recommendation of, aiding or assisting in, referring for,
19 or participation in any health care service if that
20 service as provided is not unlawful under the laws of this
21 State and is consistent with the standards of conduct in
22 Illinois; or

23 (3) based solely upon the applicant providing,
24 authorizing, recommending, aiding, assisting, referring
25 for, or otherwise participating in health care services
26 that are not unlawful in this State and consistent with

1 the standards of conduct in Illinois.

2 Nothing in this subsection shall be construed as
3 prohibiting the Division from evaluating the applicant's
4 conduct and disciplinary history and making a determination
5 regarding the licensure or authorization to practice.

6 (i) The Department of Financial and Professional
7 Regulation may adopt rules necessary for the implementation
8 and administration of this Section.

9 (Source: P.A. 103-708, eff. 1-1-25; revised 12-1-24.)

10 Section 75. The Illinois Act on the Aging is amended by
11 changing Sections 4.01, 4.02, and 4.04 as follows:

12 (20 ILCS 105/4.01)

13 Sec. 4.01. Additional powers and duties of the Department.
14 In addition to powers and duties otherwise provided by law,
15 the Department shall have the following powers and duties:

16 (1) To evaluate all programs, services, and facilities for
17 the aged and for minority senior citizens within the State and
18 determine the extent to which present public or private
19 programs, services, and facilities meet the needs of the aged.

20 (2) To coordinate and evaluate all programs, services, and
21 facilities for the aging ~~Aging~~ and for minority senior
22 citizens presently furnished by State agencies and make
23 appropriate recommendations regarding such services, programs, and
24 and facilities to the Governor and/or the General Assembly.

1 (2-a) To request, receive, and share information
2 electronically through the use of data-sharing agreements for
3 the purpose of (i) establishing and verifying the initial and
4 continuing eligibility of older adults to participate in
5 programs administered by the Department; (ii) maximizing
6 federal financial participation in State assistance
7 expenditures; and (iii) investigating allegations of fraud or
8 other abuse of publicly funded benefits. Notwithstanding any
9 other law to the contrary, but only for the limited purposes
10 identified in the preceding sentence, this paragraph (2-a)
11 expressly authorizes the exchanges of income, identification,
12 and other pertinent eligibility information by and among the
13 Department and the Social Security Administration, the
14 Department of Employment Security, the Department of
15 Healthcare and Family Services, the Department of Human
16 Services, the Department of Revenue, the Secretary of State,
17 the U.S. Department of Veterans Affairs, and any other
18 governmental entity. The confidentiality of information
19 otherwise shall be maintained as required by law. In addition,
20 the Department on Aging shall verify employment information at
21 the request of a community care provider for the purpose of
22 ensuring program integrity under the Community Care Program.

23 (3) To function as the sole State agency to develop a
24 comprehensive plan to meet the needs of the State's senior
25 citizens and the State's minority senior citizens.

26 (4) To receive and disburse State and federal funds made

1 available directly to the Department including those funds
2 made available under the Older Americans Act and the Senior
3 Community Service Employment Program for providing services
4 for senior citizens and minority senior citizens or for
5 purposes related thereto, and shall develop and administer any
6 State Plan for the Aging required by federal law.

7 (5) To solicit, accept, hold, and administer in behalf of
8 the State any grants or legacies of money, securities, or
9 property to the State of Illinois for services to senior
10 citizens and minority senior citizens or purposes related
11 thereto.

12 (6) To provide consultation and assistance to communities,
13 area agencies on aging, and groups developing local services
14 for senior citizens and minority senior citizens.

15 (7) To promote community education regarding the problems
16 of senior citizens and minority senior citizens through
17 institutes, publications, radio, television, and the local
18 press.

19 (8) To cooperate with agencies of the federal government
20 in studies and conferences designed to examine the needs of
21 senior citizens and minority senior citizens and to prepare
22 programs and facilities to meet those needs.

23 (9) To establish and maintain information and referral
24 sources throughout the State when not provided by other
25 agencies.

26 (10) To provide the staff support that may reasonably be

1 required by the Council.

2 (11) To make and enforce rules and regulations necessary
3 and proper to the performance of its duties.

4 (12) To establish and fund programs or projects or
5 experimental facilities that are specially designed as
6 alternatives to institutional care.

7 (13) To develop a training program to train the counselors
8 presently employed by the Department's aging network to
9 provide Medicare beneficiaries with counseling and advocacy in
10 Medicare, private health insurance, and related health care
11 coverage plans.

12 (14) To make a grant to an institution of higher learning
13 to study the feasibility of establishing and implementing an
14 affirmative action employment plan for the recruitment,
15 hiring, training and retraining of persons 60 or more years
16 old for jobs for which their employment would not be precluded
17 by law.

18 (15) To present one award annually in each of the
19 categories of community service, education, the performance
20 and graphic arts, and the labor force to outstanding Illinois
21 senior citizens and minority senior citizens in recognition of
22 their individual contributions to either community service,
23 education, the performance and graphic arts, or the labor
24 force. Nominations shall be solicited from senior citizens'
25 service providers, area agencies on aging, senior citizens'
26 centers, and senior citizens' organizations. If there are no

1 nominations in a category, the Department may award a second
2 person in one of the remaining categories. The Department
3 shall establish a central location within the State to be
4 designated as the Senior Illinoisans Hall of Fame for the
5 public display of all the annual awards, or replicas thereof.

6 (16) To establish multipurpose senior centers through area
7 agencies on aging and to fund those new and existing
8 multipurpose senior centers through area agencies on aging,
9 the establishment and funding to begin in such areas of the
10 State as the Department shall designate by rule and as
11 specifically appropriated funds become available.

12 (17) (Blank).

13 (18) To develop a pamphlet in English and Spanish which
14 may be used by physicians licensed to practice medicine in all
15 of its branches pursuant to the Medical Practice Act of 1987,
16 pharmacists licensed pursuant to the Pharmacy Practice Act,
17 and Illinois residents 65 years of age or older for the purpose
18 of assisting physicians, pharmacists, and patients in
19 monitoring prescriptions provided by various physicians and to
20 aid persons 65 years of age or older in complying with
21 directions for proper use of pharmaceutical prescriptions. The
22 pamphlet may provide space for recording information,
23 including but not limited to the following:

24 (a) name and telephone number of the patient;

25 (b) name and telephone number of the prescribing
26 physician;

1 (c) date of prescription;

2 (d) name of drug prescribed;

3 (e) directions for patient compliance; and

4 (f) name and telephone number of dispensing pharmacy.

5 In developing the pamphlet, the Department shall consult
6 with the Illinois State Medical Society, the Center for
7 Minority Health Services, the Illinois Pharmacists
8 Association, and senior citizens organizations. The Department
9 shall distribute the pamphlets to physicians, pharmacists and
10 persons 65 years of age or older or various senior citizen
11 organizations throughout the State.

12 (19) To conduct a study of the feasibility of implementing
13 the Senior Companion Program throughout the State.

14 (20) The reimbursement rates paid through the community
15 care program for chore housekeeping services and home care
16 aides shall be the same.

17 (21) (Blank).

18 (22) To distribute, through its area agencies on aging,
19 information alerting seniors on safety issues regarding
20 emergency weather conditions, including extreme heat and cold,
21 flooding, tornadoes, electrical storms, and other severe storm
22 weather. The information shall include all necessary
23 instructions for safety and all emergency telephone numbers of
24 organizations that will provide additional information and
25 assistance.

26 (23) To develop guidelines for the organization and

1 implementation of Volunteer Services Credit Programs to be
2 administered by Area Agencies on Aging or community-based
3 ~~community-based~~ senior service organizations. The Department
4 shall hold public hearings on the proposed guidelines for
5 public comment, suggestion, and determination of public
6 interest. The guidelines shall be based on the findings of
7 other states and of community organizations in Illinois that
8 are currently operating volunteer services credit programs or
9 demonstration volunteer services credit programs. The
10 Department shall offer guidelines for all aspects of the
11 programs, including, but not limited to, the following:

12 (a) types of services to be offered by volunteers;

13 (b) types of services to be received upon the
14 redemption of service credits;

15 (c) issues of liability for the volunteers and the
16 administering organizations;

17 (d) methods of tracking service credits earned and
18 service credits redeemed;

19 (e) issues of time limits for redemption of service
20 credits;

21 (f) methods of recruitment of volunteers;

22 (g) utilization of community volunteers, community
23 service groups, and other resources for delivering
24 services to be received by service credit program clients;

25 (h) accountability and assurance that services will be
26 available to individuals who have earned service credits;

1 and

2 (i) volunteer screening and qualifications.

3 (24) To function as the sole State agency to receive and
4 disburse State and federal funds for providing adult
5 protective services in a domestic living situation in
6 accordance with the Adult Protective Services Act.

7 (25) To hold conferences, trainings, and other programs
8 for which the Department shall determine by rule a reasonable
9 fee to cover related administrative costs. Rules to implement
10 the fee authority granted by this paragraph (25) must be
11 adopted in accordance with all provisions of the Illinois
12 Administrative Procedure Act and all rules and procedures of
13 the Joint Committee on Administrative Rules; any purported
14 rule not so adopted, for whatever reason, is unauthorized.

15 (Source: P.A. 103-616, eff. 7-1-24; 103-670, eff. 1-1-25;
16 revised 11-26-24.)

17 (20 ILCS 105/4.02)

18 Sec. 4.02. Community Care Program. The Department shall
19 establish a program of services to prevent unnecessary
20 institutionalization of persons age 60 and older in need of
21 long term care or who are established as persons who suffer
22 from Alzheimer's disease or a related disorder under the
23 Alzheimer's Disease Assistance Act, thereby enabling them to
24 remain in their own homes or in other living arrangements.
25 Such preventive services, which may be coordinated with other

1 programs for the aged, may include, but are not limited to, any
2 or all of the following:

- 3 (a) (blank);
- 4 (b) (blank);
- 5 (c) home care aide services;
- 6 (d) personal assistant services;
- 7 (e) adult day services;
- 8 (f) home-delivered meals;
- 9 (g) education in self-care;
- 10 (h) personal care services;
- 11 (i) adult day health services;
- 12 (j) habilitation services;
- 13 (k) respite care;
- 14 (k-5) community reintegration services;
- 15 (k-6) flexible senior services;
- 16 (k-7) medication management;
- 17 (k-8) emergency home response;
- 18 (l) other nonmedical social services that may enable
19 the person to become self-supporting; or
- 20 (m) (blank).

21 The Department shall establish eligibility standards for
22 such services. In determining the amount and nature of
23 services for which a person may qualify, consideration shall
24 not be given to the value of cash, property, or other assets
25 held in the name of the person's spouse pursuant to a written
26 agreement dividing marital property into equal but separate

1 shares or pursuant to a transfer of the person's interest in a
2 home to his spouse, provided that the spouse's share of the
3 marital property is not made available to the person seeking
4 such services.

5 The Department shall require as a condition of eligibility
6 that all new financially eligible applicants apply for and
7 enroll in medical assistance under Article V of the Illinois
8 Public Aid Code in accordance with rules promulgated by the
9 Department.

10 The Department shall, in conjunction with the Department
11 of Public Aid (now Department of Healthcare and Family
12 Services), seek appropriate amendments under Sections 1915 and
13 1924 of the Social Security Act. The purpose of the amendments
14 shall be to extend eligibility for home and community based
15 services under Sections 1915 and 1924 of the Social Security
16 Act to persons who transfer to or for the benefit of a spouse
17 those amounts of income and resources allowed under Section
18 1924 of the Social Security Act. Subject to the approval of
19 such amendments, the Department shall extend the provisions of
20 Section 5-4 of the Illinois Public Aid Code to persons who, but
21 for the provision of home or community-based services, would
22 require the level of care provided in an institution, as is
23 provided for in federal law. Those persons no longer found to
24 be eligible for receiving noninstitutional services due to
25 changes in the eligibility criteria shall be given 45 days
26 notice prior to actual termination. Those persons receiving

1 notice of termination may contact the Department and request
2 the determination be appealed at any time during the 45 day
3 notice period. The target population identified for the
4 purposes of this Section are persons age 60 and older with an
5 identified service need. Priority shall be given to those who
6 are at imminent risk of institutionalization. The services
7 shall be provided to eligible persons age 60 and older to the
8 extent that the cost of the services together with the other
9 personal maintenance expenses of the persons are reasonably
10 related to the standards established for care in a group
11 facility appropriate to the person's condition. These
12 noninstitutional ~~non-institutional~~ services, pilot projects,
13 or experimental facilities may be provided as part of or in
14 addition to those authorized by federal law or those funded
15 and administered by the Department of Human Services. The
16 Departments of Human Services, Healthcare and Family Services,
17 Public Health, Veterans' Affairs, and Commerce and Economic
18 Opportunity and other appropriate agencies of State, federal,
19 and local governments shall cooperate with the Department on
20 Aging in the establishment and development of the
21 noninstitutional ~~non-institutional~~ services. The Department
22 shall require an annual audit from all personal assistant and
23 home care aide vendors contracting with the Department under
24 this Section. The annual audit shall assure that each audited
25 vendor's procedures are in compliance with Department's
26 financial reporting guidelines requiring an administrative and

1 employee wage and benefits cost split as defined in
2 administrative rules. The audit is a public record under the
3 Freedom of Information Act. The Department shall execute,
4 relative to the nursing home prescreening project, written
5 inter-agency agreements with the Department of Human Services
6 and the Department of Healthcare and Family Services, to
7 effect the following: (1) intake procedures and common
8 eligibility criteria for those persons who are receiving
9 noninstitutional ~~non-institutional~~ services; and (2) the
10 establishment and development of noninstitutional
11 ~~non-institutional~~ services in areas of the State where they
12 are not currently available or are undeveloped. On and after
13 July 1, 1996, all nursing home prescreenings for individuals
14 60 years of age or older shall be conducted by the Department.

15 As part of the Department on Aging's routine training of
16 case managers and case manager supervisors, the Department may
17 include information on family futures planning for persons who
18 are age 60 or older and who are caregivers of their adult
19 children with developmental disabilities. The content of the
20 training shall be at the Department's discretion.

21 The Department is authorized to establish a system of
22 recipient copayment for services provided under this Section,
23 such copayment to be based upon the recipient's ability to pay
24 but in no case to exceed the actual cost of the services
25 provided. Additionally, any portion of a person's income which
26 is equal to or less than the federal poverty standard shall not

1 be considered by the Department in determining the copayment.
2 The level of such copayment shall be adjusted whenever
3 necessary to reflect any change in the officially designated
4 federal poverty standard.

5 The Department, or the Department's authorized
6 representative, may recover the amount of moneys expended for
7 services provided to or in behalf of a person under this
8 Section by a claim against the person's estate or against the
9 estate of the person's surviving spouse, but no recovery may
10 be had until after the death of the surviving spouse, if any,
11 and then only at such time when there is no surviving child who
12 is under age 21 or blind or who has a permanent and total
13 disability. This paragraph, however, shall not bar recovery,
14 at the death of the person, of moneys for services provided to
15 the person or in behalf of the person under this Section to
16 which the person was not entitled; provided that such recovery
17 shall not be enforced against any real estate while it is
18 occupied as a homestead by the surviving spouse or other
19 dependent, if no claims by other creditors have been filed
20 against the estate, or, if such claims have been filed, they
21 remain dormant for failure of prosecution or failure of the
22 claimant to compel administration of the estate for the
23 purpose of payment. This paragraph shall not bar recovery from
24 the estate of a spouse, under Sections 1915 and 1924 of the
25 Social Security Act and Section 5-4 of the Illinois Public Aid
26 Code, who precedes a person receiving services under this

1 Section in death. All moneys for services paid to or in behalf
2 of the person under this Section shall be claimed for recovery
3 from the deceased spouse's estate. "Homestead", as used in
4 this paragraph, means the dwelling house and contiguous real
5 estate occupied by a surviving spouse or relative, as defined
6 by the rules and regulations of the Department of Healthcare
7 and Family Services, regardless of the value of the property.

8 The Department shall increase the effectiveness of the
9 existing Community Care Program by:

10 (1) ensuring that in-home services included in the
11 care plan are available on evenings and weekends;

12 (2) ensuring that care plans contain the services that
13 eligible participants need based on the number of days in
14 a month, not limited to specific blocks of time, as
15 identified by the comprehensive assessment tool selected
16 by the Department for use statewide, not to exceed the
17 total monthly service cost maximum allowed for each
18 service; the Department shall develop administrative rules
19 to implement this item (2);

20 (3) ensuring that the participants have the right to
21 choose the services contained in their care plan and to
22 direct how those services are provided, based on
23 administrative rules established by the Department;

24 (4) (blank);

25 (5) ensuring that homemakers can provide personal care
26 services that may or may not involve contact with clients,

1 including, but not limited to:

- 2 (A) bathing;
- 3 (B) grooming;
- 4 (C) toileting;
- 5 (D) nail care;
- 6 (E) transferring;
- 7 (F) respiratory services;
- 8 (G) exercise; or
- 9 (H) positioning;

10 (6) ensuring that homemaker program vendors are not
11 restricted from hiring homemakers who are family members
12 of clients or recommended by clients; the Department may
13 not, by rule or policy, require homemakers who are family
14 members of clients or recommended by clients to accept
15 assignments in homes other than the client;

16 (7) ensuring that the State may access maximum federal
17 matching funds by seeking approval for the Centers for
18 Medicare and Medicaid Services for modifications to the
19 State's home and community based services waiver and
20 additional waiver opportunities, including applying for
21 enrollment in the Balance Incentive Payment Program by May
22 1, 2013, in order to maximize federal matching funds; this
23 shall include, but not be limited to, modification that
24 reflects all changes in the Community Care Program
25 services and all increases in the services cost maximum;

26 (8) ensuring that the determination of need tool

1 accurately reflects the service needs of individuals with
2 Alzheimer's disease and related dementia disorders;

3 (9) ensuring that services are authorized accurately
4 and consistently for the Community Care Program (CCP); the
5 Department shall implement a Service Authorization policy
6 directive; the purpose shall be to ensure that eligibility
7 and services are authorized accurately and consistently in
8 the CCP program; the policy directive shall clarify
9 service authorization guidelines to Care Coordination
10 Units and Community Care Program providers no later than
11 May 1, 2013;

12 (10) working in conjunction with Care Coordination
13 Units, the Department of Healthcare and Family Services,
14 the Department of Human Services, Community Care Program
15 providers, and other stakeholders to make improvements to
16 the Medicaid claiming processes and the Medicaid
17 enrollment procedures or requirements as needed,
18 including, but not limited to, specific policy changes or
19 rules to improve the up-front enrollment of participants
20 in the Medicaid program and specific policy changes or
21 rules to insure more prompt submission of bills to the
22 federal government to secure maximum federal matching
23 dollars as promptly as possible; the Department on Aging
24 shall have at least 3 meetings with stakeholders by
25 January 1, 2014 in order to address these improvements;

26 (11) requiring home care service providers to comply

1 with the rounding of hours worked provisions under the
2 federal Fair Labor Standards Act (FLSA) and as set forth
3 in 29 CFR 785.48(b) by May 1, 2013;

4 (12) implementing any necessary policy changes or
5 promulgating any rules, no later than January 1, 2014, to
6 assist the Department of Healthcare and Family Services in
7 moving as many participants as possible, consistent with
8 federal regulations, into coordinated care plans if a care
9 coordination plan that covers long term care is available
10 in the recipient's area; and

11 (13) (blank).

12 By January 1, 2009 or as soon after the end of the Cash and
13 Counseling Demonstration Project as is practicable, the
14 Department may, based on its evaluation of the demonstration
15 project, promulgate rules concerning personal assistant
16 services, to include, but need not be limited to,
17 qualifications, employment screening, rights under fair labor
18 standards, training, fiduciary agent, and supervision
19 requirements. All applicants shall be subject to the
20 provisions of the Health Care Worker Background Check Act.

21 The Department shall develop procedures to enhance
22 availability of services on evenings, weekends, and on an
23 emergency basis to meet the respite needs of caregivers.
24 Procedures shall be developed to permit the utilization of
25 services in successive blocks of 24 hours up to the monthly
26 maximum established by the Department. Workers providing these

1 services shall be appropriately trained.

2 No ~~September 23, 1991 (Public Act 87-729)~~ person may
3 perform chore/housekeeping and home care aide services under a
4 program authorized by this Section unless that person has been
5 issued a certificate of pre-service to do so by his or her
6 employing agency. Information gathered to effect such
7 certification shall include (i) the person's name, (ii) the
8 date the person was hired by his or her current employer, and
9 (iii) the training, including dates and levels. Persons
10 engaged in the program authorized by this Section before the
11 effective date of this amendatory Act of 1991 shall be issued a
12 certificate of all pre-service and in-service training from
13 his or her employer upon submitting the necessary information.
14 The employing agency shall be required to retain records of
15 all staff pre-service and in-service training, and shall
16 provide such records to the Department upon request and upon
17 termination of the employer's contract with the Department. In
18 addition, the employing agency is responsible for the issuance
19 of certifications of in-service training completed to their
20 employees.

21 The Department is required to develop a system to ensure
22 that persons working as home care aides and personal
23 assistants receive increases in their wages when the federal
24 minimum wage is increased by requiring vendors to certify that
25 they are meeting the federal minimum wage statute for home
26 care aides and personal assistants. An employer that cannot

1 ensure that the minimum wage increase is being given to home
2 care aides and personal assistants shall be denied any
3 increase in reimbursement costs.

4 The Community Care Program Advisory Committee is created
5 in the Department on Aging. The Director shall appoint
6 individuals to serve in the Committee, who shall serve at
7 their own expense. Members of the Committee must abide by all
8 applicable ethics laws. The Committee shall advise the
9 Department on issues related to the Department's program of
10 services to prevent unnecessary institutionalization. The
11 Committee shall meet on a bi-monthly basis and shall serve to
12 identify and advise the Department on present and potential
13 issues affecting the service delivery network, the program's
14 clients, and the Department and to recommend solution
15 strategies. Persons appointed to the Committee shall be
16 appointed on, but not limited to, their own and their agency's
17 experience with the program, geographic representation, and
18 willingness to serve. The Director shall appoint members to
19 the Committee to represent provider, advocacy, policy
20 research, and other constituencies committed to the delivery
21 of high quality home and community-based services to older
22 adults. Representatives shall be appointed to ensure
23 representation from community care providers, including, but
24 not limited to, adult day service providers, homemaker
25 providers, case coordination and case management units,
26 emergency home response providers, statewide trade or labor

1 unions that represent home care aides and direct care staff,
2 area agencies on aging, adults over age 60, membership
3 organizations representing older adults, and other
4 organizational entities, providers of care, or individuals
5 with demonstrated interest and expertise in the field of home
6 and community care as determined by the Director.

7 Nominations may be presented from any agency or State
8 association with interest in the program. The Director, or his
9 or her designee, shall serve as the permanent co-chair of the
10 advisory committee. One other co-chair shall be nominated and
11 approved by the members of the committee on an annual basis.
12 Committee members' terms of appointment shall be for 4 years
13 with one-quarter of the appointees' terms expiring each year.
14 A member shall continue to serve until his or her replacement
15 is named. The Department shall fill vacancies that have a
16 remaining term of over one year, and this replacement shall
17 occur through the annual replacement of expiring terms. The
18 Director shall designate Department staff to provide technical
19 assistance and staff support to the committee. Department
20 representation shall not constitute membership of the
21 committee. All Committee papers, issues, recommendations,
22 reports, and meeting memoranda are advisory only. The
23 Director, or his or her designee, shall make a written report,
24 as requested by the Committee, regarding issues before the
25 Committee.

26 The Department on Aging and the Department of Human

1 Services shall cooperate in the development and submission of
2 an annual report on programs and services provided under this
3 Section. Such joint report shall be filed with the Governor
4 and the General Assembly on or before March 31 of the following
5 fiscal year.

6 The requirement for reporting to the General Assembly
7 shall be satisfied by filing copies of the report as required
8 by Section 3.1 of the General Assembly Organization Act and
9 filing such additional copies with the State Government Report
10 Distribution Center for the General Assembly as is required
11 under paragraph (t) of Section 7 of the State Library Act.

12 Those persons previously found eligible for receiving
13 noninstitutional ~~non-institutional~~ services whose services
14 were discontinued under the Emergency Budget Act of Fiscal
15 Year 1992, and who do not meet the eligibility standards in
16 effect on or after July 1, 1992, shall remain ineligible on and
17 after July 1, 1992. Those persons previously not required to
18 cost-share and who were required to cost-share effective March
19 1, 1992, shall continue to meet cost-share requirements on and
20 after July 1, 1992. Beginning July 1, 1992, all clients will be
21 required to meet eligibility, cost-share, and other
22 requirements and will have services discontinued or altered
23 when they fail to meet these requirements.

24 For the purposes of this Section, "flexible senior
25 services" refers to services that require one-time or periodic
26 expenditures, including, but not limited to, respite care,

1 home modification, assistive technology, housing assistance,
2 and transportation.

3 The Department shall implement an electronic service
4 verification based on global positioning systems or other
5 cost-effective technology for the Community Care Program no
6 later than January 1, 2014.

7 The Department shall require, as a condition of
8 eligibility, application for the medical assistance program
9 under Article V of the Illinois Public Aid Code.

10 The Department may authorize Community Care Program
11 services until an applicant is determined eligible for medical
12 assistance under Article V of the Illinois Public Aid Code.

13 The Department shall continue to provide Community Care
14 Program reports as required by statute, which shall include an
15 annual report on Care Coordination Unit performance and
16 adherence to service guidelines and a 6-month supplemental
17 report.

18 In regard to community care providers, failure to comply
19 with Department on Aging policies shall be cause for
20 disciplinary action, including, but not limited to,
21 disqualification from serving Community Care Program clients.
22 Each provider, upon submission of any bill or invoice to the
23 Department for payment for services rendered, shall include a
24 notarized statement, under penalty of perjury pursuant to
25 Section 1-109 of the Code of Civil Procedure, that the
26 provider has complied with all Department policies.

1 The Director of the Department on Aging shall make
2 information available to the State Board of Elections as may
3 be required by an agreement the State Board of Elections has
4 entered into with a multi-state voter registration list
5 maintenance system.

6 The Department shall pay an enhanced rate of at least
7 \$1.77 per unit under the Community Care Program to those
8 in-home service provider agencies that offer health insurance
9 coverage as a benefit to their direct service worker employees
10 pursuant to rules adopted by the Department. The Department
11 shall review the enhanced rate as part of its process to rebase
12 in-home service provider reimbursement rates pursuant to
13 federal waiver requirements. Subject to federal approval,
14 beginning on January 1, 2024, rates for adult day services
15 shall be increased to \$16.84 per hour and rates for each way
16 transportation services for adult day services shall be
17 increased to \$12.44 per unit transportation.

18 Subject to federal approval, on and after January 1, 2024,
19 rates for homemaker services shall be increased to \$28.07 to
20 sustain a minimum wage of \$17 per hour for direct service
21 workers. Rates in subsequent State fiscal years shall be no
22 lower than the rates put into effect upon federal approval.
23 Providers of in-home services shall be required to certify to
24 the Department that they remain in compliance with the
25 mandated wage increase for direct service workers. Fringe
26 benefits, including, but not limited to, paid time off and

1 payment for training, health insurance, travel, or
2 transportation, shall not be reduced in relation to the rate
3 increases described in this paragraph.

4 Subject to and upon federal approval, on and after January
5 1, 2025, rates for homemaker services shall be increased to
6 \$29.63 to sustain a minimum wage of \$18 per hour for direct
7 service workers. Rates in subsequent State fiscal years shall
8 be no lower than the rates put into effect upon federal
9 approval. Providers of in-home services shall be required to
10 certify to the Department that they remain in compliance with
11 the mandated wage increase for direct service workers. Fringe
12 benefits, including, but not limited to, paid time off and
13 payment for training, health insurance, travel, or
14 transportation, shall not be reduced in relation to the rate
15 increases described in this paragraph.

16 The General Assembly finds it necessary to authorize an
17 aggressive Medicaid enrollment initiative designed to maximize
18 federal Medicaid funding for the Community Care Program which
19 produces significant savings for the State of Illinois. The
20 Department on Aging shall establish and implement a Community
21 Care Program Medicaid Initiative. Under the Initiative, the
22 Department on Aging shall, at a minimum: (i) provide an
23 enhanced rate to adequately compensate care coordination units
24 to enroll eligible Community Care Program clients into
25 Medicaid; (ii) use recommendations from a stakeholder
26 committee on how best to implement the Initiative; and (iii)

1 establish requirements for State agencies to make enrollment
2 in the State's Medical Assistance program easier for seniors.

3 The Community Care Program Medicaid Enrollment Oversight
4 Subcommittee is created as a subcommittee of the Older Adult
5 Services Advisory Committee established in Section 35 of the
6 Older Adult Services Act to make recommendations on how best
7 to increase the number of medical assistance recipients who
8 are enrolled in the Community Care Program. The Subcommittee
9 shall consist of all of the following persons who must be
10 appointed within 30 days after June 4, 2018 (the effective
11 date of Public Act 100-587):

12 (1) The Director of Aging, or his or her designee, who
13 shall serve as the chairperson of the Subcommittee.

14 (2) One representative of the Department of Healthcare
15 and Family Services, appointed by the Director of
16 Healthcare and Family Services.

17 (3) One representative of the Department of Human
18 Services, appointed by the Secretary of Human Services.

19 (4) One individual representing a care coordination
20 unit, appointed by the Director of Aging.

21 (5) One individual from a non-governmental statewide
22 organization that advocates for seniors, appointed by the
23 Director of Aging.

24 (6) One individual representing Area Agencies on
25 Aging, appointed by the Director of Aging.

26 (7) One individual from a statewide association

1 dedicated to Alzheimer's care, support, and research,
2 appointed by the Director of Aging.

3 (8) One individual from an organization that employs
4 persons who provide services under the Community Care
5 Program, appointed by the Director of Aging.

6 (9) One member of a trade or labor union representing
7 persons who provide services under the Community Care
8 Program, appointed by the Director of Aging.

9 (10) One member of the Senate, who shall serve as
10 co-chairperson, appointed by the President of the Senate.

11 (11) One member of the Senate, who shall serve as
12 co-chairperson, appointed by the Minority Leader of the
13 Senate.

14 (12) One member of the House of Representatives, who
15 shall serve as co-chairperson, appointed by the Speaker of
16 the House of Representatives.

17 (13) One member of the House of Representatives, who
18 shall serve as co-chairperson, appointed by the Minority
19 Leader of the House of Representatives.

20 (14) One individual appointed by a labor organization
21 representing frontline employees at the Department of
22 Human Services.

23 The Subcommittee shall provide oversight to the Community
24 Care Program Medicaid Initiative and shall meet quarterly. At
25 each Subcommittee meeting the Department on Aging shall
26 provide the following data sets to the Subcommittee: (A) the

1 number of Illinois residents, categorized by planning and
2 service area, who are receiving services under the Community
3 Care Program and are enrolled in the State's Medical
4 Assistance Program; (B) the number of Illinois residents,
5 categorized by planning and service area, who are receiving
6 services under the Community Care Program, but are not
7 enrolled in the State's Medical Assistance Program; and (C)
8 the number of Illinois residents, categorized by planning and
9 service area, who are receiving services under the Community
10 Care Program and are eligible for benefits under the State's
11 Medical Assistance Program, but are not enrolled in the
12 State's Medical Assistance Program. In addition to this data,
13 the Department on Aging shall provide the Subcommittee with
14 plans on how the Department on Aging will reduce the number of
15 Illinois residents who are not enrolled in the State's Medical
16 Assistance Program but who are eligible for medical assistance
17 benefits. The Department on Aging shall enroll in the State's
18 Medical Assistance Program those Illinois residents who
19 receive services under the Community Care Program and are
20 eligible for medical assistance benefits but are not enrolled
21 in the State's Medicaid Assistance Program. The data provided
22 to the Subcommittee shall be made available to the public via
23 the Department on Aging's website.

24 The Department on Aging, with the involvement of the
25 Subcommittee, shall collaborate with the Department of Human
26 Services and the Department of Healthcare and Family Services

1 on how best to achieve the responsibilities of the Community
2 Care Program Medicaid Initiative.

3 The Department on Aging, the Department of Human Services,
4 and the Department of Healthcare and Family Services shall
5 coordinate and implement a streamlined process for seniors to
6 access benefits under the State's Medical Assistance Program.

7 The Subcommittee shall collaborate with the Department of
8 Human Services on the adoption of a uniform application
9 submission process. The Department of Human Services and any
10 other State agency involved with processing the medical
11 assistance application of any person enrolled in the Community
12 Care Program shall include the appropriate care coordination
13 unit in all communications related to the determination or
14 status of the application.

15 The Community Care Program Medicaid Initiative shall
16 provide targeted funding to care coordination units to help
17 seniors complete their applications for medical assistance
18 benefits. On and after July 1, 2019, care coordination units
19 shall receive no less than \$200 per completed application,
20 which rate may be included in a bundled rate for initial intake
21 services when Medicaid application assistance is provided in
22 conjunction with the initial intake process for new program
23 participants.

24 The Community Care Program Medicaid Initiative shall cease
25 operation 5 years after June 4, 2018 (the effective date of
26 Public Act 100-587), after which the Subcommittee shall

1 dissolve.

2 Effective July 1, 2023, subject to federal approval, the
3 Department on Aging shall reimburse Care Coordination Units at
4 the following rates for case management services: \$252.40 for
5 each initial assessment; \$366.40 for each initial assessment
6 with translation; \$229.68 for each redetermination assessment;
7 \$313.68 for each redetermination assessment with translation;
8 \$200.00 for each completed application for medical assistance
9 benefits; \$132.26 for each face-to-face, choices-for-care
10 screening; \$168.26 for each face-to-face, choices-for-care
11 screening with translation; \$124.56 for each 6-month,
12 face-to-face visit; \$132.00 for each MCO participant
13 eligibility determination; and \$157.00 for each MCO
14 participant eligibility determination with translation.

15 (Source: P.A. 102-1071, eff. 6-10-22; 103-8, eff. 6-7-23;
16 103-102, Article 45, Section 45-5, eff. 1-1-24; 103-102,
17 Article 85, Section 85-5, eff. 1-1-24; 103-102, Article 90,
18 Section 90-5, eff. 1-1-24; 103-588, eff. 6-5-24; 103-605, eff.
19 7-1-24; 103-670, eff. 1-1-25; revised 11-26-24.)

20 (20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

21 Sec. 4.04. Long Term Care Ombudsman Program. The purpose
22 of the Long Term Care Ombudsman Program is to ensure that older
23 persons and persons with disabilities receive quality
24 services. This is accomplished by providing advocacy services
25 for residents of long term care facilities and participants

1 receiving home care and community-based care. Managed care is
2 increasingly becoming the vehicle for delivering health and
3 long-term services and supports to seniors and persons with
4 disabilities, including dual eligible participants. The
5 additional ombudsman authority will allow advocacy services to
6 be provided to Illinois participants for the first time and
7 will produce a cost savings for the State of Illinois by
8 supporting the rebalancing efforts of the Patient Protection
9 and Affordable Care Act.

10 (a) Long Term Care Ombudsman Program. The Department shall
11 establish a Long Term Care Ombudsman Program, through the
12 Office of State Long Term Care Ombudsman ("the Office"), in
13 accordance with the provisions of the Older Americans Act of
14 1965, as now or hereafter amended. The Long Term Care
15 Ombudsman Program is authorized, subject to sufficient
16 appropriations, to advocate on behalf of older persons and
17 persons with disabilities residing in their own homes or
18 community-based settings, relating to matters which may
19 adversely affect the health, safety, welfare, or rights of
20 such individuals.

21 (b) Definitions. As used in this Section, unless the
22 context requires otherwise:

23 (1) "Access" means the right to:

24 (i) Enter any long term care facility or assisted
25 living or shared housing establishment or supportive
26 living facility;

1 (ii) Communicate privately and without restriction
2 with any resident, regardless of age, who consents to
3 the communication;

4 (iii) Seek consent to communicate privately and
5 without restriction with any participant or resident,
6 regardless of age;

7 (iv) Inspect and copy the clinical and other
8 records of a participant or resident, regardless of
9 age, with the express written consent of the
10 participant or resident, or if consent is given
11 orally, visually, or through the use of auxiliary aids
12 and services, such consent is documented
13 contemporaneously by a representative of the Office in
14 accordance with such procedures;

15 (v) Observe all areas of the long term care
16 facility or supportive living facilities, assisted
17 living or shared housing establishment except the
18 living area of any resident who protests the
19 observation; and

20 (vi) Subject to permission of the participant or
21 resident requesting services or his or her
22 representative, enter a home or community-based
23 setting.

24 (2) "Long Term Care Facility" means (i) any facility
25 as defined by Section 1-113 of the Nursing Home Care Act,
26 as now or hereafter amended; (ii) any skilled nursing

1 facility or a nursing facility which meets the
2 requirements of Section 1819(a), (b), (c), and (d) or
3 Section 1919(a), (b), (c), and (d) of the Social Security
4 Act, as now or hereafter amended (42 U.S.C. 1395i-3(a),
5 (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and
6 (d)); (iii) any facility as defined by Section 1-113 of
7 the ID/DD Community Care Act, as now or hereafter amended;
8 (iv) any facility as defined by Section 1-113 of MC/DD
9 Act, as now or hereafter amended; and (v) any facility
10 licensed under Section 4-105 or 4-201 of the Specialized
11 Mental Health Rehabilitation Act of 2013, as now or
12 hereafter amended.

13 (2.5) "Assisted living establishment" and "shared
14 housing establishment" have the meanings given those terms
15 in Section 10 of the Assisted Living and Shared Housing
16 Act.

17 (2.7) "Supportive living facility" means a facility
18 established under Section 5-5.01a of the Illinois Public
19 Aid Code.

20 (2.8) "Community-based setting" means any place of
21 abode other than an individual's private home.

22 (3) "State Long Term Care Ombudsman" means any person
23 employed by the Department to fulfill the requirements of
24 the Office of State Long Term Care Ombudsman as required
25 under the Older Americans Act of 1965, as now or hereafter
26 amended, and Departmental policy.

1 (3.1) "Ombudsman" means any designated representative
2 of the State Long Term Care Ombudsman Program; provided
3 that the representative, whether he is paid for or
4 volunteers his ombudsman services, shall be qualified and
5 designated by the Office to perform the duties of an
6 ombudsman as specified by the Department in rules and in
7 accordance with the provisions of the Older Americans Act
8 of 1965, as now or hereafter amended.

9 (4) "Participant" means an older person aged 60 or
10 over or an adult with a disability aged 18 through 59 who
11 is eligible for services under any of the following:

12 (i) A medical assistance waiver administered by
13 the State.

14 (ii) A managed care organization providing care
15 coordination and other services to seniors and persons
16 with disabilities.

17 (5) "Resident" means an older person aged 60 or over
18 or an adult with a disability aged 18 through 59 who
19 resides in a long-term care facility.

20 (c) Ombudsman; rules. The Office of State Long Term Care
21 Ombudsman shall be composed of at least one full-time
22 ombudsman and shall include a system of designated regional
23 long term care ombudsman programs. Each regional program shall
24 be designated by the State Long Term Care Ombudsman as a
25 subdivision of the Office and any representative of a regional
26 program shall be treated as a representative of the Office.

1 The Department, in consultation with the Office, shall
2 promulgate administrative rules in accordance with the
3 provisions of the Older Americans Act of 1965, as now or
4 hereafter amended, to establish the responsibilities of the
5 Department and the Office of State Long Term Care Ombudsman
6 and the designated regional Ombudsman programs. The
7 administrative rules shall include the responsibility of the
8 Office and designated regional programs to investigate and
9 resolve complaints made by or on behalf of residents of long
10 term care facilities, supportive living facilities, and
11 assisted living and shared housing establishments, and
12 participants residing in their own homes or community-based
13 settings, including the option to serve residents and
14 participants under the age of 60, relating to actions,
15 inaction, or decisions of providers, or their representatives,
16 of such facilities and establishments, of public agencies, or
17 of social services agencies, which may adversely affect the
18 health, safety, welfare, or rights of such residents and
19 participants. The Office and designated regional programs may
20 represent all residents and participants, but are not required
21 by this Act to represent persons under 60 years of age, except
22 to the extent required by federal law. When necessary and
23 appropriate, representatives of the Office shall refer
24 complaints to the appropriate regulatory State agency. The
25 Department, in consultation with the Office, shall cooperate
26 with the Department of Human Services and other State agencies

1 in providing information and training to designated regional
2 long term care ombudsman programs about the appropriate
3 assessment and treatment (including information about
4 appropriate supportive services, treatment options, and
5 assessment of rehabilitation potential) of the participants
6 they serve.

7 The State Long Term Care Ombudsman and all other
8 ombudsmen, as defined in paragraph (3.1) of subsection (b)
9 must submit to background checks under the Health Care Worker
10 Background Check Act and receive training, as prescribed by
11 the Illinois Department on Aging, before visiting facilities,
12 private homes, or community-based settings. The training must
13 include information specific to assisted living
14 establishments, supportive living facilities, shared housing
15 establishments, private homes, and community-based settings
16 and to the rights of residents and participants guaranteed
17 under the corresponding Acts and administrative rules.

18 (c-5) Consumer Choice Information Reports. The Office
19 shall:

20 (1) In collaboration with the Attorney General, create
21 a Consumer Choice Information Report form to be completed
22 by all licensed long term care facilities to aid
23 Illinoisans and their families in making informed choices
24 about long term care. The Office shall create a Consumer
25 Choice Information Report for each type of licensed long
26 term care facility. The Office shall collaborate with the

1 Attorney General and the Department of Human Services to
2 create a Consumer Choice Information Report form for
3 facilities licensed under the ID/DD Community Care Act or
4 the MC/DD Act.

5 (2) Develop a database of Consumer Choice Information
6 Reports completed by licensed long term care facilities
7 that includes information in the following consumer
8 categories:

9 (A) Medical Care, Services, and Treatment.

10 (B) Special Services and Amenities.

11 (C) Staffing.

12 (D) Facility Statistics and Resident Demographics.

13 (E) Ownership and Administration.

14 (F) Safety and Security.

15 (G) Meals and Nutrition.

16 (H) Rooms, Furnishings, and Equipment.

17 (I) Family, Volunteer, and Visitation Provisions.

18 (3) Make this information accessible to the public,
19 including on the Internet by means of a hyperlink on the
20 Office's World Wide Web home page. Information about
21 facilities licensed under the ID/DD Community Care Act or
22 the MC/DD Act shall be made accessible to the public by the
23 Department of Human Services, including on the Internet by
24 means of a hyperlink on the Department of Human Services'
25 "For Customers" website.

26 (4) Have the authority, with the Attorney General, to

1 verify that information provided by a facility is
2 accurate.

3 (5) Request a new report from any licensed facility
4 whenever it deems necessary.

5 (6) Include in the Office's Consumer Choice
6 Information Report for each type of licensed long term
7 care facility additional information on each licensed long
8 term care facility in the State of Illinois, including
9 information regarding each facility's compliance with the
10 relevant State and federal statutes, rules, and standards;
11 customer satisfaction surveys; and information generated
12 from quality measures developed by the Centers for
13 Medicare and Medicaid Services.

14 (d) Access and visitation rights.

15 (1) In accordance with subparagraphs (A) and (E) of
16 paragraph (3) of subsection (c) of Section 1819 and
17 subparagraphs (A) and (E) of paragraph (3) of subsection
18 (c) of Section 1919 of the Social Security Act, as now or
19 hereafter amended (42 U.S.C. 1395i-3 (c) (3) (A) and (E) and
20 42 U.S.C. 1396r (c) (3) (A) and (E)), and Section 712 of the
21 Older Americans Act of 1965, as now or hereafter amended
22 (42 U.S.C. 3058f), a long term care facility, supportive
23 living facility, assisted living establishment, and shared
24 housing establishment must:

25 (i) permit immediate access to any resident,
26 regardless of age, by a designated ombudsman;

1 (ii) permit representatives of the Office, with
2 the permission of the resident, the resident's legal
3 representative, or the resident's legal guardian, to
4 examine and copy a resident's clinical and other
5 records, including facility reports of incidents or
6 occurrences made to State agencies, regardless of the
7 age of the resident, and if a resident is unable to
8 consent to such review, and has no legal guardian,
9 permit representatives of the Office appropriate
10 access, as defined by the Department, in consultation
11 with the Office, in administrative rules, to the
12 resident's records; and

13 (iii) permit a representative of the Program to
14 communicate privately and without restriction with any
15 participant who consents to the communication
16 regardless of the consent of, or withholding of
17 consent by, a legal guardian or an agent named in a
18 power of attorney executed by the participant.

19 (2) Each long term care facility, supportive living
20 facility, assisted living establishment, and shared
21 housing establishment shall display, in multiple,
22 conspicuous public places within the facility accessible
23 to both visitors and residents and in an easily readable
24 format, the address and phone number of the Office of the
25 Long Term Care Ombudsman, in a manner prescribed by the
26 Office.

1 (e) Immunity. An ombudsman or any representative of the
2 Office participating in the good faith performance of his or
3 her official duties shall have immunity from any liability
4 (civil, criminal or otherwise) in any proceedings (civil,
5 criminal or otherwise) brought as a consequence of the
6 performance of his official duties.

7 (f) Business offenses.

8 (1) No person shall:

9 (i) Intentionally prevent, interfere with, or
10 attempt to impede in any way any representative of the
11 Office in the performance of his official duties under
12 this Act and the Older Americans Act of 1965; or

13 (ii) Intentionally retaliate, discriminate
14 against, or effect reprisals against any long term
15 care facility resident or employee for contacting or
16 providing information to any representative of the
17 Office.

18 (2) A violation of this Section is a business offense,
19 punishable by a fine not to exceed \$501.

20 (3) The State Long Term Care Ombudsman shall notify
21 the State's Attorney of the county in which the long term
22 care facility, supportive living facility, or assisted
23 living or shared housing establishment is located, or the
24 Attorney General, of any violations of this Section.

25 (g) Confidentiality of records and identities. All records
26 containing resident, participant, and complainant information

1 collected by the Long Term Care Ombudsman Program are
2 confidential and shall not be disclosed outside of the program
3 without a lawful subpoena or the permission of the State
4 Ombudsman. The State Ombudsman, at his or her discretion, may
5 disclose resident or participant information if it is in the
6 best interest of the resident or participant. The Department
7 shall establish procedures for the disclosure of program
8 records by the State Ombudsman. The procedures shall prohibit
9 the disclosure of the identity of any complainant, resident,
10 participant, witness, or employee of a long term care provider
11 in case records unless:

12 (1) the complainant, resident, participant, witness,
13 or employee of a long term care provider or his or her
14 legal representative consents to the disclosure and the
15 consent is in writing;

16 (2) the complainant, resident, participant, witness,
17 or employee of a long term care provider or the resident or
18 participant's legal representative gives consent orally;
19 and the consent is documented contemporaneously in writing
20 in accordance with such requirements as the Department
21 shall establish; or

22 (3) the disclosure is required by court order.

23 (h) Legal representation. The Attorney General shall
24 provide legal representation to any representative of the
25 Office against whom suit or other legal action is brought in
26 connection with the performance of the representative's

1 official duties, in accordance with the State Employee
2 Indemnification Act.

3 (i) Treatment by prayer and spiritual means. Nothing in
4 this Act shall be construed to authorize or require the
5 medical supervision, regulation or control of remedial care or
6 treatment of any resident in a long term care facility
7 operated exclusively by and for members or adherents of any
8 church or religious denomination the tenets and practices of
9 which include reliance solely upon spiritual means through
10 prayer for healing.

11 (j) The Long Term Care Ombudsman Fund is created as a
12 special fund in the State treasury to receive moneys for the
13 express purposes of this Section. All interest earned on
14 moneys in the fund shall be credited to the fund. Moneys
15 contained in the fund shall be used to support the purposes of
16 this Section.

17 (k) Each Regional Ombudsman may, in accordance with rules
18 promulgated by the Office, establish a multi-disciplinary team
19 to act in an advisory role for the purpose of providing
20 professional knowledge and expertise in handling complex
21 abuse, neglect, and advocacy issues involving participants.
22 Each multi-disciplinary team may consist of one or more
23 volunteer representatives from any combination of at least 7
24 members from the following professions: banking or finance;
25 disability care; health care; pharmacology; law; law
26 enforcement; emergency responder; mental health care; clergy;

1 coroner or medical examiner; substance abuse; domestic
2 violence; sexual assault; or other related fields. To support
3 multi-disciplinary teams in this role, law enforcement
4 agencies and coroners or medical examiners shall supply
5 records as may be requested in particular cases. The Regional
6 Ombudsman, or his or her designee, of the area in which the
7 multi-disciplinary team is created shall be the facilitator of
8 the multi-disciplinary team.

9 (Source: P.A. 102-1033, eff. 1-1-23; 103-329, eff. 1-1-24;
10 103-762, eff. 1-1-25; 103-767, eff. 1-1-25; revised 11-26-24.)

11 Section 80. The Substance Use Disorder Act is amended by
12 changing Section 5-23 as follows:

13 (20 ILCS 301/5-23)

14 Sec. 5-23. Drug Overdose Prevention Program.

15 (a) Reports.

16 (1) The Department may publish annually a report on
17 drug overdose trends statewide that reviews State death
18 rates from available data to ascertain changes in the
19 causes or rates of fatal and nonfatal drug overdose. The
20 report shall also provide information on interventions
21 that would be effective in reducing the rate of fatal or
22 nonfatal drug overdose and on the current substance use
23 disorder treatment capacity within the State. The report
24 shall include an analysis of drug overdose information

1 reported to the Department of Public Health pursuant to
2 subsection (e) of Section 3-3013 of the Counties Code,
3 Section 6.14g of the Hospital Licensing Act, and
4 subsection (j) of Section 22-30 of the School Code.

5 (2) The report may include:

6 (A) Trends in drug overdose death rates.

7 (B) Trends in emergency room utilization related
8 to drug overdose and the cost impact of emergency room
9 utilization.

10 (C) Trends in utilization of pre-hospital and
11 emergency services and the cost impact of emergency
12 services utilization.

13 (D) Suggested improvements in data collection.

14 (E) A description of other interventions effective
15 in reducing the rate of fatal or nonfatal drug
16 overdose.

17 (F) A description of efforts undertaken to educate
18 the public about unused medication and about how to
19 properly dispose of unused medication, including the
20 number of registered collection receptacles in this
21 State, mail-back programs, and drug take-back events.

22 (G) An inventory of the State's substance use
23 disorder treatment capacity, including, but not
24 limited to:

25 (i) The number and type of licensed treatment
26 programs in each geographic area of the State.

1 (ii) The availability of medication-assisted
2 treatment at each licensed program and which types
3 of medication-assisted treatment are available.

4 (iii) The number of recovery homes that accept
5 individuals using medication-assisted treatment in
6 their recovery.

7 (iv) The number of medical professionals
8 currently authorized to prescribe buprenorphine
9 and the number of individuals who fill
10 prescriptions for that medication at retail
11 pharmacies as prescribed.

12 (v) Any partnerships between programs licensed
13 by the Department and other providers of
14 medication-assisted treatment.

15 (vi) Any challenges in providing
16 medication-assisted treatment reported by programs
17 licensed by the Department and any potential
18 solutions.

19 (b) Programs; drug overdose prevention.

20 (1) The Department may establish a program to provide
21 for the production and publication, in electronic and
22 other formats, of drug overdose prevention, recognition,
23 and response literature. The Department may develop and
24 disseminate curricula for use by professionals,
25 organizations, individuals, or committees interested in
26 the prevention of fatal and nonfatal drug overdose,

1 including, but not limited to, drug users, jail and prison
2 personnel, jail and prison inmates, drug treatment
3 professionals, emergency medical personnel, hospital
4 staff, families and associates of drug users, peace
5 officers, firefighters, public safety officers, needle
6 exchange program staff, and other persons. In addition to
7 information regarding drug overdose prevention,
8 recognition, and response, literature produced by the
9 Department shall stress that drug use remains illegal and
10 highly dangerous and that complete abstinence from illegal
11 drug use is the healthiest choice. The literature shall
12 provide information and resources for substance use
13 disorder treatment.

14 The Department may establish or authorize programs for
15 prescribing, dispensing, or distributing opioid
16 antagonists for the treatment of drug overdose and for
17 dispensing and distributing fentanyl test strips to
18 further promote harm reduction efforts and prevent an
19 overdose. Such programs may include the prescribing of
20 opioid antagonists for the treatment of drug overdose to a
21 person who is not at risk of opioid overdose but who, in
22 the judgment of the health care professional, may be in a
23 position to assist another individual during an
24 opioid-related drug overdose and who has received basic
25 instruction on how to administer an opioid antagonist.

26 (2) The Department may provide advice to State and

1 local officials on the growing drug overdose crisis,
2 including the prevalence of drug overdose incidents,
3 programs promoting the disposal of unused prescription
4 drugs, trends in drug overdose incidents, and solutions to
5 the drug overdose crisis.

6 (3) The Department may support drug overdose
7 prevention, recognition, and response projects by
8 facilitating the acquisition of opioid antagonist
9 medication approved for opioid overdose reversal,
10 facilitating the acquisition of opioid antagonist
11 medication approved for opioid overdose reversal,
12 providing trainings in overdose prevention best practices,
13 facilitating the acquisition of fentanyl test strips to
14 test for the presence of fentanyl, a fentanyl analog, or a
15 drug adulterant within a controlled substance, connecting
16 programs to medical resources, establishing a statewide
17 standing order for the acquisition of needed medication,
18 establishing learning collaboratives between localities
19 and programs, and assisting programs in navigating any
20 regulatory requirements for establishing or expanding such
21 programs.

22 (4) In supporting best practices in drug overdose
23 prevention programming, the Department may promote the
24 following programmatic elements:

25 (A) Training individuals who currently use drugs
26 in the administration of opioid antagonists approved

1 for the reversal of an opioid overdose and in the use
2 of fentanyl test strips to test for the presence of
3 fentanyl, a fentanyl analog, or a drug adulterant
4 within a controlled substance.

5 (B) Directly distributing opioid antagonists
6 approved for the reversal of an opioid overdose rather
7 than providing prescriptions to be filled at a
8 pharmacy.

9 (B-1) Directly distributing fentanyl test strips
10 to test for the presence of fentanyl, a fentanyl
11 analog, or a drug adulterant within a controlled
12 substance.

13 (C) Conducting street and community outreach to
14 work directly with individuals who are using drugs.

15 (D) Employing community health workers or peer
16 recovery specialists who are familiar with the
17 communities served and can provide culturally
18 competent services.

19 (E) Collaborating with other community-based
20 organizations, substance use disorder treatment
21 centers, or other health care providers engaged in
22 treating individuals who are using drugs.

23 (F) Providing linkages for individuals to obtain
24 evidence-based substance use disorder treatment.

25 (G) Engaging individuals exiting jails or prisons
26 who are at a high risk of overdose.

1 (H) Providing education and training to
2 community-based organizations who work directly with
3 individuals who are using drugs and those individuals'
4 families and communities.

5 (I) Providing education and training on drug
6 overdose prevention and response to emergency
7 personnel and law enforcement.

8 (J) Informing communities of the important role
9 emergency personnel play in responding to accidental
10 overdose.

11 (K) Producing and distributing targeted mass media
12 materials on drug overdose prevention and response,
13 the potential dangers of leaving unused prescription
14 drugs in the home, and the proper methods for
15 disposing of unused prescription drugs.

16 (c) Grants.

17 (1) The Department may award grants, in accordance
18 with this subsection, to create or support local drug
19 overdose prevention, recognition, and response projects.
20 Local health departments, correctional institutions,
21 hospitals, universities, community-based organizations,
22 and faith-based organizations may apply to the Department
23 for a grant under this subsection at the time and in the
24 manner the Department prescribes. Eligible grant
25 activities include, but are not limited to, purchasing and
26 distributing opioid antagonists and fentanyl test strips,

1 hiring peer recovery specialists or other community
2 members to conduct community outreach, and hosting public
3 health fairs or events to distribute opioid antagonists
4 and fentanyl test strips, promote harm reduction
5 activities, and provide linkages to community partners.

6 (2) In awarding grants, the Department shall consider
7 the overall rate of opioid overdose, the rate of increase
8 in opioid overdose, and racial disparities in opioid
9 overdose experienced by the communities to be served by
10 grantees. The Department shall encourage all grant
11 applicants to develop interventions that will be effective
12 and viable in their local areas.

13 (3) (Blank).

14 (3.5) Any hospital licensed under the Hospital
15 Licensing Act or organized under the University of
16 Illinois Hospital Act shall be deemed to have met the
17 standards and requirements set forth in this Section to
18 enroll in the drug overdose prevention program upon
19 completion of the enrollment process except that proof of
20 a standing order and attestation of programmatic
21 requirements shall be waived for enrollment purposes.
22 Reporting mandated by enrollment shall be necessary to
23 carry out or attain eligibility for associated resources
24 under this Section for drug overdose prevention projects
25 operated on the licensed premises of the hospital and
26 operated by the hospital or its designated agent. The

1 Department shall streamline hospital enrollment for drug
2 overdose prevention programs by accepting such deemed
3 status under this Section in order to reduce barriers to
4 hospital participation in drug overdose prevention,
5 recognition, or response projects. Subject to
6 appropriation, any hospital under this paragraph and any
7 other organization deemed eligible by the Department shall
8 be enrolled to receive fentanyl test strips from the
9 Department and distribute fentanyl test strips upon
10 enrollment in the Drug Overdose Prevention Program.

11 (4) In addition to moneys appropriated by the General
12 Assembly, the Department may seek grants from private
13 foundations, the federal government, and other sources to
14 fund the grants under this Section and to fund an
15 evaluation of the programs supported by the grants.

16 (d) Health care professional prescription of opioid
17 antagonists.

18 (1) A health care professional who, acting in good
19 faith, directly or by standing order, prescribes or
20 dispenses an opioid antagonist to: (a) a patient who, in
21 the judgment of the health care professional, is capable
22 of administering the drug in an emergency, or (b) a person
23 who is not at risk of opioid overdose but who, in the
24 judgment of the health care professional, may be in a
25 position to assist another individual during an
26 opioid-related drug overdose and who has received basic

1 instruction on how to administer an opioid antagonist
2 shall not, as a result of his or her acts or omissions, be
3 subject to: (i) any disciplinary or other adverse action
4 under the Medical Practice Act of 1987, the Physician
5 Assistant Practice Act of 1987, the Nurse Practice Act,
6 the Pharmacy Practice Act, or any other professional
7 licensing statute or (ii) any criminal liability, except
8 for willful and wanton misconduct.

9 (1.5) Notwithstanding any provision of or requirement
10 otherwise imposed by the Pharmacy Practice Act, the
11 Medical Practice Act of 1987, or any other law or rule,
12 including, but not limited to, any requirement related to
13 labeling, storage, or recordkeeping, a health care
14 professional or other person acting under the direction of
15 a health care professional may, directly or by standing
16 order, obtain, store, and dispense an opioid antagonist to
17 a patient in a facility that includes, but is not limited
18 to, a hospital, a hospital affiliate, or a federally
19 qualified health center if the patient information
20 specified in paragraph (4) of this subsection is provided
21 to the patient. A person acting in accordance with this
22 paragraph shall not, as a result of his or her acts or
23 omissions, be subject to: (i) any disciplinary or other
24 adverse action under the Medical Practice Act of 1987, the
25 Physician Assistant Practice Act of 1987, the Nurse
26 Practice Act, the Pharmacy Practice Act, or any other

1 professional licensing statute; or (ii) any criminal
2 liability, except for willful and wanton misconduct.

3 (2) A person who is not otherwise licensed to
4 administer an opioid antagonist may in an emergency
5 administer without fee an opioid antagonist if the person
6 has received the patient information specified in
7 paragraph (4) of this subsection and believes in good
8 faith that another person is experiencing a drug overdose.
9 The person shall not, as a result of his or her acts or
10 omissions, be (i) liable for any violation of the Medical
11 Practice Act of 1987, the Physician Assistant Practice Act
12 of 1987, the Nurse Practice Act, the Pharmacy Practice
13 Act, or any other professional licensing statute, or (ii)
14 subject to any criminal prosecution or civil liability,
15 except for willful and wanton misconduct.

16 (3) A health care professional prescribing an opioid
17 antagonist to a patient shall ensure that the patient
18 receives the patient information specified in paragraph
19 (4) of this subsection. Patient information may be
20 provided by the health care professional or a
21 community-based organization, substance use disorder
22 program, or other organization with which the health care
23 professional establishes a written agreement that includes
24 a description of how the organization will provide patient
25 information, how employees or volunteers providing
26 information will be trained, and standards for documenting

1 the provision of patient information to patients.
2 Provision of patient information shall be documented in
3 the patient's medical record or through similar means as
4 determined by agreement between the health care
5 professional and the organization. The Department, in
6 consultation with statewide organizations representing
7 physicians, pharmacists, advanced practice registered
8 nurses, physician assistants, substance use disorder
9 programs, and other interested groups, shall develop and
10 disseminate to health care professionals, community-based
11 organizations, substance use disorder programs, and other
12 organizations training materials in video, electronic, or
13 other formats to facilitate the provision of such patient
14 information.

15 (4) For the purposes of this subsection:

16 "Opioid antagonist" means a drug that binds to opioid
17 receptors and blocks or inhibits the effect of opioids
18 acting on those receptors, including, but not limited to,
19 naloxone hydrochloride or any other similarly acting drug
20 approved by the U.S. Food and Drug Administration.

21 "Health care professional" means a physician licensed
22 to practice medicine in all its branches, a licensed
23 physician assistant with prescriptive authority, a
24 licensed advanced practice registered nurse with
25 prescriptive authority, an advanced practice registered
26 nurse or physician assistant who practices in a hospital,

1 hospital affiliate, or ambulatory surgical treatment
2 center and possesses appropriate clinical privileges in
3 accordance with the Nurse Practice Act, or a pharmacist
4 licensed to practice pharmacy under the Pharmacy Practice
5 Act.

6 "Patient" includes a person who is not at risk of
7 opioid overdose but who, in the judgment of the physician,
8 advanced practice registered nurse, or physician
9 assistant, may be in a position to assist another
10 individual during an overdose and who has received patient
11 information as required in paragraph (2) of this
12 subsection on the indications for and administration of an
13 opioid antagonist.

14 "Patient information" includes information provided to
15 the patient on drug overdose prevention and recognition;
16 how to perform rescue breathing and resuscitation; opioid
17 antagonist dosage and administration; the importance of
18 calling 911; care for the overdose victim after
19 administration of the overdose antagonist; and other
20 issues as necessary.

21 (e) Drug overdose response policy.

22 (1) Every State and local government agency that
23 employs a law enforcement officer or fireman as those
24 terms are defined in the Line of Duty Compensation Act
25 must possess opioid antagonists and must establish a
26 policy to control the acquisition, storage,

1 transportation, and administration of such opioid
2 antagonists and to provide training in the administration
3 of opioid antagonists. A State or local government agency
4 that employs a probation officer, as defined in Section 9b
5 of the Probation and Probation Officers Act, or a fireman
6 as defined in the Line of Duty Compensation Act but does
7 not respond to emergency medical calls or provide medical
8 services shall be exempt from this subsection.

9 (2) Every publicly or privately owned ambulance,
10 special emergency medical services vehicle, non-transport
11 vehicle, or ambulance assist vehicle, as described in the
12 Emergency Medical Services (EMS) Systems Act, that
13 responds to requests for emergency services or transports
14 patients between hospitals in emergency situations must
15 possess opioid antagonists.

16 (3) Entities that are required under paragraphs (1)
17 and (2) to possess opioid antagonists may also apply to
18 the Department for a grant to fund the acquisition of
19 opioid antagonists and training programs on the
20 administration of opioid antagonists.

21 (Source: P.A. 102-598, eff. 1-1-22; 103-602, eff. 7-1-24;
22 103-980, eff. 1-1-25; revised 11-26-24.)

23 Section 85. The Department of Central Management Services
24 Law of the Civil Administrative Code of Illinois is amended by
25 changing Section 405-545 as follows:

1 (20 ILCS 405/405-545)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 405-545. Opioid antagonists.

5 (a) As used in this Section, "opioid antagonist" has the
6 meaning given to that term in Section 5-23 of the Substance Use
7 Disorder Act

8 (b) A State agency may make opioid antagonists available
9 at a location where its employees work if the State agency
10 trains employees in the use and administration of the opioid
11 antagonists.

12 (c) An employee of a State agency that uses and
13 administers ~~administers~~ opioid antagonists as described in
14 this Section is exempt from civil liability under Section 69
15 of the Good Samaritan Act.

16 (Source: P.A. 103-845, eff. 7-1-25; revised 10-21-24.)

17 Section 90. The Children and Family Services Act is
18 amended by changing Sections 5.15, 5.46, and 7.3b as follows:

19 (20 ILCS 505/5.15)

20 (Section scheduled to be repealed on July 1, 2026)

21 Sec. 5.15. Day care; Department of Human Services.

22 (a) For the purpose of ensuring effective statewide
23 planning, development, and utilization of resources for the

1 day care of children, operated under various auspices, the
2 Department of Human Services, or any State agency that assumes
3 these responsibilities, is designated to coordinate all day
4 care activities for children of the State and shall develop or
5 continue, and shall update every year, a State comprehensive
6 day-care plan for submission to the Governor that identifies
7 high-priority areas and groups, relating them to available
8 resources and identifying the most effective approaches to the
9 use of existing day care services. The State comprehensive
10 day-care plan shall be made available to the General Assembly
11 following the Governor's approval of the plan.

12 The plan shall include methods and procedures for the
13 development of additional day care resources for children to
14 meet the goal of reducing short-run and long-run dependency
15 and to provide necessary enrichment and stimulation to the
16 education of young children. Recommendations shall be made for
17 State policy on optimum use of private and public, local,
18 State and federal resources, including an estimate of the
19 resources needed for the licensing and regulation of day care
20 facilities.

21 A written report shall be submitted to the Governor and
22 the General Assembly annually on April 15. The report shall
23 include an evaluation of developments over the preceding
24 fiscal year, including cost-benefit analyses of various
25 arrangements. Beginning with the report in 1990 submitted by
26 the Department's predecessor agency and every 2 years

1 thereafter, the report shall also include the following:

2 (1) An assessment of the child care services, needs
3 and available resources throughout the State and an
4 assessment of the adequacy of existing child care
5 services, including, but not limited to, services assisted
6 under this Act and under any other program administered by
7 other State agencies.

8 (2) A survey of day care facilities to determine the
9 number of qualified caregivers, as defined by rule,
10 attracted to vacant positions, or retained at the current
11 positions, and any problems encountered by facilities in
12 attracting and retaining capable caregivers. The report
13 shall include an assessment, based on the survey, of
14 improvements in employee benefits that may attract capable
15 caregivers. The survey process shall incorporate feedback
16 from groups and individuals with relevant expertise or
17 lived experience, including, but not limited to, educators
18 and child care providers, regarding the collection of data
19 in order to inform strategies and costs related to the
20 Child Care Development Fund and the General Revenue Fund,
21 for the purpose of promoting workforce recruitment and
22 retention. The survey shall, at a minimum, be updated
23 every 4 years based on feedback received. Initial survey
24 updates shall be made prior to the 2025 survey data
25 collection.

26 (3) The average wages and salaries and fringe benefit

1 packages paid to caregivers throughout the State, computed
2 on a regional basis, compared to similarly qualified
3 employees in other but related fields.

4 (4) The qualifications of new caregivers hired at
5 licensed day care facilities during the previous 2-year
6 period.

7 (5) Recommendations for increasing caregiver wages and
8 salaries to ensure quality care for children.

9 (6) Evaluation of the fee structure and income
10 eligibility for child care subsidized by the State.

11 The requirement for reporting to the General Assembly
12 shall be satisfied by filing copies of the report as required
13 by Section 3.1 of the General Assembly Organization Act, and
14 filing such additional copies with the State Government Report
15 Distribution Center for the General Assembly as is required
16 under paragraph (t) of Section 7 of the State Library Act.

17 (b) The Department of Human Services shall establish
18 policies and procedures for developing and implementing
19 interagency agreements with other agencies of the State
20 providing child care services or reimbursement for such
21 services. The plans shall be annually reviewed and modified
22 for the purpose of addressing issues of applicability and
23 service system barriers.

24 (c) In cooperation with other State agencies, the
25 Department of Human Services shall develop and implement, or
26 shall continue, a resource and referral system for the State

1 of Illinois either within the Department or by contract with
2 local or regional agencies. Funding for implementation of this
3 system may be provided through Department appropriations or
4 other inter-agency funding arrangements. The resource and
5 referral system shall provide at least the following services:

6 (1) Assembling and maintaining a data base on the
7 supply of child care services.

8 (2) Providing information and referrals for parents.

9 (3) Coordinating the development of new child care
10 resources.

11 (4) Providing technical assistance and training to
12 child care service providers.

13 (5) Recording and analyzing the demand for child care
14 services.

15 (d) The Department of Human Services shall conduct day
16 care planning activities with the following priorities:

17 (1) Development of voluntary day care resources
18 wherever possible, with the provision for grants-in-aid
19 only where demonstrated to be useful and necessary as
20 incentives or supports. By January 1, 2002, the Department
21 shall design a plan to create more child care slots as well
22 as goals and timetables to improve quality and
23 accessibility of child care.

24 (2) Emphasis on service to children of recipients of
25 public assistance when such service will allow training or
26 employment of the parent toward achieving the goal of

1 independence.

2 (3) (Blank).

3 (4) Care of children from families in stress and
4 crises whose members potentially may become, or are in
5 danger of becoming, non-productive and dependent.

6 (5) Expansion of family day care facilities wherever
7 possible.

8 (6) Location of centers in economically depressed
9 neighborhoods, preferably in multi-service centers with
10 cooperation of other agencies. The Department shall
11 coordinate the provision of grants, but only to the extent
12 funds are specifically appropriated for this purpose, to
13 encourage the creation and expansion of child care centers
14 in high need communities to be issued by the State,
15 business, and local governments.

16 (7) Use of existing facilities free of charge or for
17 reasonable rental whenever possible in lieu of
18 construction.

19 (8) Development of strategies for assuring a more
20 complete range of day care options, including provision of
21 day care services in homes, in schools, or in centers,
22 which will enable a parent or parents to complete a course
23 of education or obtain or maintain employment and the
24 creation of more child care options for swing shift,
25 evening, and weekend workers and for working women with
26 sick children. The Department shall encourage companies to

1 provide child care in their own offices or in the building
2 in which the corporation is located so that employees of
3 all the building's tenants can benefit from the facility.

4 (9) Development of strategies for subsidizing students
5 pursuing degrees in the child care field.

6 (10) Continuation and expansion of service programs
7 that assist teen parents to continue and complete their
8 education.

9 Emphasis shall be given to support services that will help
10 to ensure such parents' graduation from high school and to
11 services for participants in any programs of job training
12 conducted by the Department.

13 (e) The Department of Human Services shall actively
14 stimulate the development of public and private resources at
15 the local level. It shall also seek the fullest utilization of
16 federal funds directly or indirectly available to the
17 Department.

18 Where appropriate, existing non-governmental agencies or
19 associations shall be involved in planning by the Department.

20 (f) To better accommodate the child care needs of low
21 income working families, especially those who receive
22 Temporary Assistance for Needy Families (TANF) or who are
23 transitioning from TANF to work, or who are at risk of
24 depending on TANF in the absence of child care, the Department
25 shall complete a study using outcome-based assessment
26 measurements to analyze the various types of child care needs,

1 including but not limited to: child care homes; child care
2 facilities; before and after school care; and evening and
3 weekend care. Based upon the findings of the study, the
4 Department shall develop a plan by April 15, 1998, that
5 identifies the various types of child care needs within
6 various geographic locations. The plan shall include, but not
7 be limited to, the special needs of parents and guardians in
8 need of non-traditional child care services such as early
9 mornings, evenings, and weekends; the needs of very low income
10 families and children and how they might be better served; and
11 strategies to assist child care providers to meet the needs
12 and schedules of low income families.

13 (g) This Section is repealed on July 1, 2026.

14 (Source: P.A. 103-594, eff. 6-25-24; 103-1054, eff. 12-20-24;
15 revised 1-13-25.)

16 (20 ILCS 505/5.46)

17 Sec. 5.46. Application for Social Security benefits,
18 Supplemental Security Income, Veterans benefits, and Railroad
19 Retirement benefits.

20 (a) Definitions. As used in this Section:

21 "Achieving a Better Life Experience Account" or "ABLE
22 account" means an account established for the purpose of
23 financing certain qualified expenses of eligible individuals
24 as specifically provided for in Section 529A of the Internal
25 Revenue Code and Section 16.6 of the State Treasurer Act.

1 "Benefits" means Social Security benefits, Supplemental
2 Security Income, Veterans benefits, and Railroad Retirement
3 benefits.

4 "DCFS Guardianship Administrator" means a Department
5 representative appointed as guardian of the person or legal
6 custodian of the minor youth in care.

7 "Youth's attorney and guardian ad litem" means the person
8 appointed as the youth's attorney or guardian ad litem in
9 accordance with the Juvenile Court Act of 1987 in the
10 proceeding in which the Department is appointed as the youth's
11 guardian or custodian.

12 (b) Application for benefits.

13 (1) Upon receiving temporary custody or guardianship
14 of a youth in care, the Department shall assess the youth
15 to determine whether the youth may be eligible for
16 benefits. If, after the assessment, the Department
17 determines that the youth may be eligible for benefits,
18 the Department shall ensure that an application is filed
19 on behalf of the youth. The Department shall prescribe by
20 rule how it will review cases of youth in care at regular
21 intervals to determine whether the youth may have become
22 eligible for benefits after the initial assessment. The
23 Department shall make reasonable efforts to encourage
24 youth in care over the age of 18 who are likely eligible
25 for benefits to cooperate with the application process and
26 to assist youth with the application process.

1 (2) When applying for benefits under this Section for
2 a youth in care the Department shall identify a
3 representative payee in accordance with the requirements
4 of 20 CFR 404.2021 and 416.621. If the Department is
5 seeking to be appointed as the youth's representative
6 payee, the Department must consider input, if provided,
7 from the youth's attorney and guardian ad litem regarding
8 whether another representative payee, consistent with the
9 requirements of 20 CFR 404.2021 and 416.621, is available.
10 If the Department serves as the representative payee for a
11 youth over the age of 18, the Department shall request a
12 court order, as described in subparagraph (C) of paragraph
13 (1) of subsection (d) and in subparagraph (C) of paragraph
14 (2) of subsection (d).

15 (c) Notifications. The Department shall immediately notify
16 a youth over the age of 16, the youth's attorney and guardian
17 ad litem, and the youth's parent or legal guardian or another
18 responsible adult of:

19 (1) any application for or any application to become
20 representative payee for benefits on behalf of a youth in
21 care;

22 (2) beginning January 1, 2025, any communications from
23 the Social Security Administration, the U.S. Department of
24 Veterans Affairs, or the Railroad Retirement Board
25 pertaining to the acceptance or denial of benefits or the
26 selection of a representative payee; and

1 (3) beginning January 1, 2025, any appeal or other
2 action requested by the Department regarding an
3 application for benefits.

4 (d) Use of benefits. Consistent with federal law, when the
5 Department serves as the representative payee for a youth
6 receiving benefits and receives benefits on the youth's
7 behalf, the Department shall:

8 (1) Beginning January 1, 2024, ensure that when the
9 youth attains the age of 14 years and until the Department
10 no longer serves as the representative payee, a minimum
11 percentage of the youth's Supplemental Security Income
12 benefits are conserved in accordance with paragraph (4) as
13 follows:

14 (A) From the age of 14 through age 15, at least
15 40%.

16 (B) From the age of 16 through age 17, at least
17 80%.

18 (C) From the age of 18 and older, 100%, when a
19 court order has been entered expressly authorizing the
20 DCFS Guardianship Administrator to serve as the
21 designated representative to establish an ABLE account
22 on behalf of a youth in accordance with paragraph (4).

23 (2) Beginning January 1, 2024, ensure that when the
24 youth attains the age of 14 years and until the Department
25 no longer serves as the representative payee a minimum
26 percentage of the youth's Social Security benefits,

1 Veterans benefits, or Railroad Retirement benefits are
2 conserved in accordance with paragraph (3) or (4), as
3 applicable, as follows:

4 (A) From the age of 14 through age 15, at least
5 40%.

6 (B) From the age of 16 through age 17, at least
7 80%.

8 (C) From the age of 18, 100%. If establishment of
9 an ABLE account is necessary to conserve benefits for
10 youth age 18 and older, then benefits shall be
11 conserved in accordance with paragraph (4) when a
12 court order has been entered expressly authorizing the
13 DCFS Guardianship Administrator to serve as the
14 designated representative to establish an ABLE account
15 on behalf of a youth.

16 (3) Exercise discretion in accordance with federal law
17 and in the best interests of the youth when making
18 decisions to use or conserve the youth's benefits that are
19 less than or not subject to asset or resource limits under
20 federal law, including using the benefits to address the
21 youth's special needs and conserving the benefits for the
22 youth's reasonably foreseeable future needs.

23 (4) Appropriately monitor any federal asset or
24 resource limits for the Supplemental Security Income
25 benefits and ensure that the youth's best interest is
26 served by using or conserving the benefits in a way that

1 avoids violating any federal asset or resource limits that
2 would affect the youth's eligibility to receive the
3 benefits, including, but not limited to: +

4 (A) establishing an ABLE account authorized by
5 Section 529A of the Internal Revenue Code of 1986, for
6 the youth and conserving the youth's benefits in that
7 account in a manner that appropriately avoids any
8 federal asset or resource limits;

9 (B) if the Department determines that using the
10 benefits for services for current special needs not
11 already provided by the Department is in the best
12 interest of the youth, using the benefits for those
13 services;

14 (C) if federal law requires certain back payments
15 of benefits to be placed in a dedicated account,
16 complying with the requirements for dedicated accounts
17 under 20 CFR 416.640(e); and

18 (D) applying any other exclusions from federal
19 asset or resource limits available under federal law
20 and using or conserving the youth's benefits in a
21 manner that appropriately avoids any federal asset or
22 resource limits.

23 (e) By July 1, 2024, the Department shall provide a report
24 to the General Assembly regarding youth in care who receive
25 benefits who are not subject to this Act. The report shall
26 discuss a goal of expanding conservation of children's

1 benefits to all benefits of all children of any age for whom
2 the Department serves as representative payee. The report
3 shall include a description of any identified obstacles, steps
4 to be taken to address the obstacles, and a description of any
5 need for statutory, rule, or procedural changes.

6 (f) (1) Accounting.

7 (A) Beginning on November 17, 2023 (the effective date
8 of Public Act 103-564) ~~this amendatory Act of the 103rd~~
9 ~~General Assembly~~ through December 31, 2024, upon request
10 of the youth's attorney or guardian ad litem, the
11 Department shall provide an annual accounting to the
12 youth's attorney and guardian ad litem of how the youth's
13 benefits have been used and conserved.

14 (B) Beginning January 1, 2025 and every year
15 thereafter, an annual accounting of how the youth's
16 benefits have been used and conserved shall be provided
17 automatically to the youth's attorney and guardian ad
18 litem.

19 (C) In addition, within 10 business days of a request
20 from a youth or the youth's attorney and guardian ad
21 litem, the Department shall provide an accounting to the
22 youth of how the youth's benefits have been used and
23 conserved.

24 (2) The accounting shall include:

25 (A) The amount of benefits received on the youth's
26 behalf since the most recent accounting and the date

1 the benefits were received.

2 (B) Information regarding the youth's benefits and
3 resources, including the youth's benefits, insurance,
4 cash assets, trust accounts, earnings, and other
5 resources.

6 (C) An accounting of the disbursement of benefit
7 funds, including the date, amount, identification of
8 payee, and purpose.

9 (D) Information regarding each request by the
10 youth, the youth's attorney and guardian ad litem, or
11 the youth's caregiver for disbursement of funds and a
12 statement regarding the reason for not granting the
13 request if the request was denied.

14 When the Department's guardianship of the youth is being
15 terminated, prior to or upon the termination of guardianship,
16 the Department shall provide (i) a final accounting to the
17 youth's attorney and guardian ad litem, and to either the
18 person or persons who will assume guardianship of the youth or
19 who is in the process of adopting the youth, if the youth is
20 under 18, or to the youth, if the youth is over 18 and (ii)
21 information to the parent, guardian, or youth regarding how to
22 apply to become the designated representative for the youth's
23 ABLE account.

24 (g) Education. The Department shall provide the youth who
25 have funds conserved under paragraphs (1) and (2) of
26 subsection (d) with education and support, including specific

1 information regarding the existence, availability, and use of
2 funds conserved for the youth in accordance with paragraphs
3 (1) and (2) of subsection (d), beginning by age 14 in a
4 developmentally appropriate manner. The education and support
5 services shall be developed in consultation with input from
6 the Department's Statewide Youth Advisory Board. Education and
7 informational materials related to ABLE accounts shall be
8 developed in consultation with and approved by the State
9 Treasurer.

10 (h) Adoption of rules. The Department shall adopt rules to
11 implement the provisions of this Section by January 1, 2024.

12 (i) Reporting. No later than February 28, 2023, the
13 Department shall file a report with the General Assembly
14 providing the following information for State Fiscal Years
15 2019, 2020, 2021, and 2022 and annually beginning February 28,
16 2023, for the preceding fiscal year:

17 (1) The number of youth entering care.

18 (2) The number of youth entering care receiving each
19 of the following types of benefits: Social Security
20 benefits, Supplemental Security Income, Veterans benefits,
21 Railroad Retirement benefits.

22 (3) The number of youth entering care for whom the
23 Department filed an application for each of the following
24 types of benefits: Social Security benefits, Supplemental
25 Security Income, Veterans benefits, Railroad Retirement
26 benefits.

1 (4) The number of youth entering care who were awarded
2 each of the following types of benefits based on an
3 application filed by the Department: Social Security
4 benefits, Supplemental Security Income, Veterans benefits,
5 Railroad Retirement benefits.

6 (j) Annually beginning December 31, 2023, the Department
7 shall file a report with the General Assembly with the
8 following information regarding the preceding fiscal year:

9 (1) the number of conserved accounts established and
10 maintained for youth in care;

11 (2) the average amount conserved by age group; and

12 (3) the total amount conserved by age group.

13 (Source: P.A. 102-1014, eff. 5-27-22; 103-154, eff. 6-30-23;
14 103-564, eff. 11-17-23; revised 7-18-24.)

15 (20 ILCS 505/7.3b)

16 Sec. 7.3b. Case plan requirements for hair-related needs
17 of youth in care.

18 (a) Purposes. Hair plays an important role in fostering
19 youths' connection to their race, culture, and identity. Hair
20 care ~~Haircare~~ promotes positive messages of self-worth,
21 comfort, and affection. Because these messages typically are
22 developed through interactions with family and community
23 members, it is necessary to establish a framework to ensure
24 that youth in care are not deprived of these messages and that
25 caregivers and appropriate child care facility staff are

1 adequately prepared to provide culturally competent hair care
2 ~~hairecare~~ for youth.

3 (b) Definitions. As used in this Section:

4 (1) "Hair care" ~~"Hairecare"~~ means all care related to
5 the maintenance of hair, including, but not limited to,
6 the daily maintenance routine, cutting, styling, or dying
7 of hair.

8 (2) "Culture" means the norms, traditions, and
9 experiences of a person's community that inform that
10 person's daily life and long-term goals.

11 (3) "Identity" means the memories, experiences,
12 relationships, and values that create one's sense of self.
13 This amalgamation creates a steady sense of who one is
14 over time, even as new facets are developed and
15 incorporated into one's identity.

16 (c) Hair care ~~Hairecare~~ plan. Every case plan shall include
17 a hair care plan ~~Hairecare Plan~~ for each youth in care that is
18 developed in consultation with the youth based upon the
19 youth's developmental abilities, as well as with the youth's
20 parents or caregivers or appropriate child care facility staff
21 if not contrary to the youth's wishes, and that outlines any
22 training or resources required by the caregiver or appropriate
23 child care facility staff to meet the hair care ~~hairecare~~ needs
24 of the youth. At a minimum, the hair care plan ~~Hairecare Plan~~
25 must address:

26 (1) necessary hair care ~~hairecare~~ steps to be taken to

1 preserve the youth's desired connection to the youth's
2 race, culture, gender, religion, and identity;

3 (2) necessary steps to be taken specific to the
4 youth's hair care ~~hairecare~~ needs during emergency and
5 health situations; and

6 (3) the desires of the youth as they pertain to the
7 youth's hair care ~~hairecare~~.

8 A youth's hair care plan ~~Hairecare Plan~~ must be reviewed at
9 the same time as the case plan review required under Section 6a
10 as well as during monthly visits to ensure compliance with the
11 hair care plan ~~Hairecare Plan~~ and identify any needed changes.

12 (d) By June 1, 2025, the Department shall develop training
13 and resources to make available for caregivers and appropriate
14 child care facility staff to provide culturally competent hair
15 care ~~hairecare~~ to youth in care.

16 (e) By June 1, 2025, the Department must adopt rules to
17 facilitate the implementation of this Section.

18 (Source: P.A. 103-850, eff. 1-1-25; revised 12-1-24.)

19 Section 95. The Foster Parent Law is amended by changing
20 Sections 1-15 and 1-20 as follows:

21 (20 ILCS 520/1-15)

22 Sec. 1-15. Foster parent rights. A foster parent's rights
23 include, but are not limited to, the following:

24 (1) The right to be treated with dignity, respect, and

1 consideration as a professional member of the child
2 welfare team.

3 (2) The right to be given standardized pre-service
4 training and appropriate ongoing training to meet mutually
5 assessed needs and improve the foster parent's skills.

6 (3) The right to be informed as to how to contact the
7 appropriate child placement agency in order to receive
8 information and assistance to access supportive services
9 for children in the foster parent's care.

10 (4) The right to receive timely financial
11 reimbursement commensurate with the care needs of the
12 child as specified in the service plan.

13 (5) The right to be provided a clear, written
14 understanding of a placement agency's plan concerning the
15 placement of a child in the foster parent's home. Inherent
16 in this right is the foster parent's responsibility to
17 support activities that will promote the child's right to
18 relationships with the child's own family and cultural
19 heritage.

20 (6) The right to be provided a fair, timely, and
21 impartial investigation of complaints concerning the
22 foster parent's licensure, to be provided the opportunity
23 to have a person of the foster parent's choosing present
24 during the investigation, and to be provided due process
25 during the investigation; the right to be provided the
26 opportunity to request and receive mediation or an

1 administrative review of decisions that affect licensing
2 parameters, or both mediation and an administrative
3 review; and the right to have decisions concerning a
4 licensing corrective action plan specifically explained
5 and tied to the licensing standards violated.

6 (7) The right, at any time during which a child is
7 placed with the foster parent, to receive additional or
8 necessary information that is relevant to the care of the
9 child.

10 (7.5) The right to be given information concerning a
11 child (i) from the Department as required under subsection
12 (u) of Section 5 of the Children and Family Services Act
13 and (ii) from a child welfare agency as required under
14 subsection (c-5) of Section 7.4 of the Child Care Act of
15 1969.

16 (8) The right to be notified of scheduled meetings and
17 staffings concerning the foster child in order to actively
18 participate in the case planning and decision-making
19 process regarding the child, including individual service
20 planning meetings, administrative case reviews,
21 interdisciplinary staffings, and individual educational
22 planning meetings; the right to be informed of decisions
23 made by the courts or the child welfare agency concerning
24 the child; the right to provide input concerning the plan
25 of services for the child and to have that input given full
26 consideration in the same manner as information presented

1 by any other professional on the team; and the right to
2 communicate with other professionals who work with the
3 foster child within the context of the team, including
4 therapists, physicians, attending health care
5 professionals, and teachers.

6 (9) The right to be given, in a timely and consistent
7 manner, any information a caseworker has regarding the
8 child and the child's family which is pertinent to the
9 care and needs of the child and to the making of a
10 permanency plan for the child. Disclosure of information
11 concerning the child's family shall be limited to that
12 information that is essential for understanding the needs
13 of and providing care to the child in order to protect the
14 rights of the child's family. When a positive relationship
15 exists between the foster parent and the child's family,
16 the child's family may consent to disclosure of additional
17 information.

18 (10) The right to be given reasonable written notice
19 of (i) any change in a child's case plan, (ii) plans to
20 terminate the placement of the child with the foster
21 parent, and (iii) the reasons for the change or
22 termination in placement. The notice shall be waived only
23 in cases of a court order or when the child is determined
24 to be at imminent risk of harm.

25 (11) The right to be notified in a timely and complete
26 manner of all court hearings, including notice of the date

1 and time of the court hearing, the name of the judge or
2 hearing officer hearing the case, the location of the
3 hearing, and the court docket number of the case; and the
4 right to intervene in court proceedings or to seek
5 mandamus under the Juvenile Court Act of 1987.

6 (12) The right to be considered as a placement option
7 when a foster child who was formerly placed with the
8 foster parent is to be re-entered into foster care, if
9 that placement is consistent with the best interest of the
10 child and other children in the foster parent's home.

11 (13) The right to have timely access to the child
12 placement agency's existing appeals process and the right
13 to be free from acts of harassment and retaliation by any
14 other party when exercising the right to appeal.

15 (14) The right to be informed of the Foster Parent
16 Hotline established under Section 35.6 of the Children and
17 Family Services Act and all of the rights accorded to
18 foster parents concerning reports of misconduct by
19 Department employees, service providers, or contractors,
20 confidential handling of those reports, and investigation
21 by the Inspector General appointed under Section 35.5 of
22 the Children and Family Services Act.

23 (15) The right to timely training necessary to meet
24 the hair care ~~haircare~~ needs of the children placed in the
25 foster parent's care.

26 (Source: P.A. 103-22, eff. 8-8-23; 103-850, eff. 1-1-25;

1 revised 11-21-24.)

2 (20 ILCS 520/1-20)

3 Sec. 1-20. Foster parent responsibilities. A foster
4 parent's responsibilities include, but are not limited to, the
5 following:

6 (1) The responsibility to openly communicate and share
7 information about the child with other members of the
8 child welfare team.

9 (2) The responsibility to respect the confidentiality
10 of information concerning foster children and their
11 families and act appropriately within applicable
12 confidentiality laws and regulations.

13 (3) The responsibility to advocate for children in the
14 foster parent's care.

15 (4) The responsibility to treat children in the foster
16 parent's care and the children's families with dignity,
17 respect, and consideration.

18 (5) The responsibility to recognize the foster
19 parent's own individual and familial strengths and
20 limitations when deciding whether to accept a child into
21 care; and the responsibility to recognize the foster
22 parent's own support needs and utilize appropriate
23 supports in providing care for foster children.

24 (6) The responsibility to be aware of the benefits of
25 relying on and affiliating with other foster parents and

1 foster parent associations in improving the quality of
2 care and service to children and families.

3 (7) The responsibility to assess the foster parent's
4 ongoing individual training needs and take action to meet
5 those needs.

6 (8) The responsibility to develop and assist in
7 implementing strategies to prevent placement disruptions,
8 recognizing the traumatic impact of placement disruptions
9 on a foster child and all members of the foster family; and
10 the responsibility to provide emotional support for the
11 foster children and members of the foster family if
12 preventive strategies fail and placement disruptions
13 occur.

14 (9) The responsibility to know the impact foster
15 parenting has on individuals and family relationships; and
16 the responsibility to endeavor to minimize, as much as
17 possible, any stress that results from foster parenting.

18 (10) The responsibility to know the rewards and
19 benefits to children, parents, families, and society that
20 come from foster parenting and to promote the foster
21 parenting experience in a positive way.

22 (11) The responsibility to know the roles, rights, and
23 responsibilities of foster parents, other professionals in
24 the child welfare system, the foster child, and the foster
25 child's own family.

26 (12) The responsibility to know and, as necessary,

1 fulfill the foster parent's responsibility to serve as a
2 mandated reporter of suspected child abuse or neglect
3 under the Abused and Neglected Child Reporting Act; and
4 the responsibility to know the child welfare agency's
5 policy regarding allegations that foster parents have
6 committed child abuse or neglect and applicable
7 administrative rules and procedures governing
8 investigations of those allegations.

9 (13) The responsibility to know and receive training
10 regarding the purpose of administrative case reviews,
11 client service plans, and court processes, as well as any
12 filing or time requirements associated with those
13 proceedings; and the responsibility to actively
14 participate in the foster parent's designated role in
15 these proceedings.

16 (14) The responsibility to know the child welfare
17 agency's appeal procedure for foster parents and the
18 rights of foster parents under the procedure.

19 (15) The responsibility to know and understand the
20 importance of maintaining accurate and relevant records
21 regarding the child's history and progress; and the
22 responsibility to be aware of and follow the procedures
23 and regulations of the child welfare agency with which the
24 foster parent is licensed or affiliated.

25 (16) The responsibility to share information, through
26 the child welfare team, with the subsequent caregiver

1 (whether the child's parent or another substitute
2 caregiver) regarding the child's adjustment in the foster
3 parent's home.

4 (17) The responsibility to provide care and services
5 that are respectful of and responsive to the child's
6 cultural needs and are supportive of the relationship
7 between the child and the child's own family; the
8 responsibility to recognize the increased importance of
9 maintaining a child's cultural identity when the race or
10 culture of the foster family differs from that of the
11 foster child; the responsibility to provide hair care
12 ~~hairecare~~ that preserves the child's desired connection to
13 the child's race, culture, gender, religion, and identity;
14 and the responsibility to take action to address these
15 issues.

16 (Source: P.A. 103-22, eff. 8-8-23; 103-850, eff. 1-1-25;
17 revised 11-21-24.)

18 Section 100. The Foster Children's Bill of Rights Act is
19 amended by changing Section 5 as follows:

20 (20 ILCS 521/5)

21 Sec. 5. Foster Children's Bill of Rights. It is the policy
22 of this State that every child and adult in the care of the
23 Department of Children and Family Services who is placed in
24 foster care shall have the following rights:

1 (1) To live in a safe, healthy, and comfortable home
2 where they are treated with respect.

3 (2) To be free from physical, sexual, emotional, or
4 other abuse, or corporal punishment.

5 (3) To receive adequate and healthy food, adequate
6 clothing, and, for youth in group homes, residential
7 treatment facilities, and foster homes, an allowance.

8 (4) To receive medical, dental, vision, and mental
9 health services.

10 (5) To be free of the administration of medication or
11 chemical substances, unless authorized by a physician.

12 (6) To contact family members, unless prohibited by
13 court order, and social workers, attorneys, foster youth
14 advocates and supporters, Court Appointed Special
15 Advocates (CASAs), and probation officers.

16 (7) To visit and contact siblings, unless prohibited
17 by court order.

18 (8) To contact the Advocacy Office for Children and
19 Families established under the Children and Family
20 Services Act or the Department of Children and Family
21 Services' Office of the Inspector General regarding
22 violations of rights, to speak to representatives of these
23 offices confidentially, and to be free from threats or
24 punishment for making complaints.

25 (9) To make and receive confidential telephone calls
26 and send and receive unopened mail, unless prohibited by

1 court order.

2 (10) To attend religious services and activities of
3 their choice.

4 (11) To maintain an emancipation bank account and
5 manage personal income, consistent with the child's age
6 and developmental level, unless prohibited by the case
7 plan.

8 (12) To not be locked in a room, building, or facility
9 premises, unless placed in a secure child care facility
10 licensed by the Department of Children and Family Services
11 under the Child Care Act of 1969 and placed pursuant to
12 Section 2-27.1 of the Juvenile Court Act of 1987.

13 (13) To attend school and participate in
14 extracurricular, cultural, and personal enrichment
15 activities, consistent with the child's age and
16 developmental level, with minimal disruptions to school
17 attendance and educational stability.

18 (14) To work and develop job skills at an
19 age-appropriate level, consistent with State law.

20 (15) To have social contacts with people outside of
21 the foster care system, including teachers, church
22 members, mentors, and friends.

23 (16) If they meet age requirements, to attend services
24 and programs operated by the Department of Children and
25 Family Services or any other appropriate State agency that
26 aim to help current and former foster youth achieve

1 self-sufficiency prior to and after leaving foster care.

2 (17) To attend court hearings and speak to the judge.

3 (18) To have storage space for private use.

4 (19) To be involved in the development of their own
5 case plan and plan for permanent placement.

6 (20) To review their own case plan and plan for
7 permanent placement, if they are 12 years of age or older
8 and in a permanent placement, and to receive information
9 about their out-of-home placement and case plan, including
10 being told of changes to the case plan.

11 (21) To be free from unreasonable searches of personal
12 belongings.

13 (22) To the confidentiality of all juvenile court
14 records consistent with existing law.

15 (23) To have fair and equal access to all available
16 services, placement, care, treatment, and benefits, and to
17 not be subjected to discrimination or harassment on the
18 basis of actual or perceived race, ethnic group
19 identification, ancestry, national origin, color,
20 religion, sex, sexual orientation, gender identity, mental
21 or physical disability, or HIV status.

22 (24) To have caregivers and child welfare personnel
23 who have received sensitivity training and instruction on
24 matters concerning race, ethnicity, national origin,
25 color, ancestry, religion, mental and physical disability,
26 and HIV status.

1 (25) To have caregivers and child welfare personnel
2 who have received instruction on cultural competency and
3 sensitivity relating to, and best practices for, providing
4 adequate care to lesbian, gay, bisexual, and transgender
5 youth in out-of-home care.

6 (26) At 16 years of age or older, to have access to
7 existing information regarding the educational options
8 available, including, but not limited to, the coursework
9 necessary for vocational and postsecondary educational
10 programs, and information regarding financial aid for
11 postsecondary education.

12 (27) To have access to age-appropriate, medically
13 accurate information about reproductive health care, the
14 prevention of unplanned pregnancy, and the prevention and
15 treatment of sexually transmitted infections at 12 years
16 of age or older.

17 (28) To receive a copy of this Act from and have it
18 fully explained by the Department of Children and Family
19 Services when the child or adult is placed in the care of
20 the Department of Children and Family Services.

21 (29) To be placed in the least restrictive and most
22 family-like setting available and in close proximity to
23 their parent's home consistent with their health, safety,
24 best interests, and special needs.

25 (30) To participate in an age and developmentally
26 appropriate intake process immediately after placement in

1 the custody or guardianship of the Department. During the
2 intake process, the Department shall provide the youth
3 with a document describing inappropriate acts of
4 affection, discipline, and punishment by guardians, foster
5 parents, foster siblings, or any other adult responsible
6 for the youth's welfare. The Department shall review and
7 discuss the document with the child. The Department must
8 document completion of the intake process in the child's
9 records as well as giving a copy of the document to the
10 child.

11 (31) To participate in appropriate intervention and
12 counseling services after removal from the home of origin
13 in order to assess whether the youth is exhibiting signs
14 of traumatic stress, special needs, or mental illness.

15 (32) To receive a home visit by an assigned child
16 welfare specialist, per existing Department policies and
17 procedures, on a monthly basis or more frequently as
18 needed. In addition to what existing policies and
19 procedures outline, home visits shall be used to assess
20 the youth's well-being and emotional health following
21 placement, to determine the youth's relationship with the
22 youth's guardian or foster parent or with any other adult
23 responsible for the youth's welfare or living in or
24 frequenting the home environment, and to determine what
25 forms of discipline, if any, the youth's guardian or
26 foster parent or any other person in the home environment

1 uses to correct the youth.

2 (33) To be enrolled in an independent living services
3 program prior to transitioning out of foster care where
4 the youth will receive classes and instruction,
5 appropriate to the youth's age and developmental capacity,
6 on independent living and self-sufficiency in the areas of
7 employment, finances, meals, and housing as well as help
8 in developing life skills and long-term goals.

9 (34) To be assessed by a third-party entity or agency
10 prior to enrollment in any independent living services
11 program in order to determine the youth's readiness for a
12 transition out of foster care based on the youth's
13 individual needs, emotional development, and ability,
14 regardless of age, to make a successful transition to
15 adulthood.

16 (35) To hair care ~~hairecare~~ that preserves the child's
17 desired connection to the child's race, culture, gender,
18 religion, and identity and to have a corresponding hair
19 care ~~hairecare~~ plan established in accordance with Section
20 7.3b of the Children and Family Services Act. The
21 Department must provide, in a timely and consistent
22 manner, training for all caregivers and child welfare
23 personnel on how to meet the hair care ~~hairecare~~ needs of
24 children.

25 (Source: P.A. 102-810, eff. 1-1-23; 103-22, eff. 8-8-23;
26 103-850, eff. 1-1-25; revised 11-21-24.)

1 Section 105. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois
3 is amended by setting forth, renumbering, and changing
4 multiple versions of Section 605-1115 as follows:

5 (20 ILCS 605/605-1115)

6 Sec. 605-1115. Quantum computing campuses.

7 (a) As used in this Section:

8 "Data center" means a facility: (1) whose primary services
9 are the storage, management, and processing of digital data;
10 and (2) that is used to house (A) computer and network systems,
11 including associated components such as servers, network
12 equipment and appliances, telecommunications, and data storage
13 systems, (B) systems for monitoring and managing
14 infrastructure performance, (C) Internet-related equipment and
15 services, (D) data communications connections, (E)
16 environmental controls, (F) fire protection systems, and (G)
17 security systems and services.

18 "Full-time equivalent job" means a job in which an
19 employee works for a tenant of the quantum campus at a rate of
20 at least 35 hours per week. Vacations, paid holidays, and sick
21 time are included in this computation. Overtime is not
22 considered a part of regular hours.

23 "Quantum computing campus" or "campus" is a contiguous
24 area located in the State of Illinois that is designated by the

1 Department as a quantum computing campus in order to support
2 the demand for quantum computing research, development, and
3 implementation for practical use. A quantum computing campus
4 may include educational institutions ~~intuitions~~, nonprofit
5 research and development organizations, and for-profit
6 organizations serving as anchor tenants and joining tenants
7 that, with approval from the Department, may change. Tenants
8 located at the campus shall have direct and supporting roles
9 in quantum computing activities. Eligible tenants include
10 quantum computer operators and research facilities, data
11 centers, manufacturers and assemblers of quantum computers and
12 component parts, cryogenic or refrigeration facilities, and
13 other facilities determined, by industry and academic leaders,
14 to be fundamental to the research and development of quantum
15 computing for practical solutions. Quantum computing shall
16 include the research, development, and use of computing
17 methods that generate and manipulate quantum bits in a
18 controlled quantum state. This includes the use of photons,
19 semiconductors, superconductors, trapped ions, and other
20 industry and academically regarded methods for simulating
21 quantum bits. Additionally, a quantum campus shall meet the
22 following criteria:

23 (1) the campus must comprise a minimum of one-half
24 square mile and not more than 4 square miles;

25 (2) the campus must contain tenants that demonstrate a
26 substantial plan for using the designation to encourage

1 participation by organizations owned by minorities, women,
2 and persons with disabilities, as those terms are defined
3 in the Business Enterprise for Minorities, Women, and
4 Persons with Disabilities Act, and the hiring of
5 minorities, women, and persons with disabilities;

6 (3) upon being placed in service, within 60 months
7 after designation or incorporation into a campus, the
8 owners of property located in a campus shall certify to
9 the Department that the property is carbon neutral or has
10 attained certification under one or more of the following
11 green building standards:

12 (A) BREEAM for New Construction or BREEAM, In-Use;

13 (B) ENERGY STAR;

14 (C) Envision;

15 (D) ISO 50001-energy management;

16 (E) LEED for Building Design and Construction, or
17 LEED for Operations and Maintenance;

18 (F) Green Globes for New Construction, or Green
19 Globes for Existing Buildings;

20 (G) UL 3223; or

21 (H) an equivalent program approved by the
22 Department.

23 (b) Tenants located in a designated quantum computing
24 campus shall qualify for the following exemptions and credits:

25 (1) the Department may certify a taxpayer for an
26 exemption from any State or local use tax or retailers'

1 occupation tax on building materials that will be
2 incorporated into real estate at a quantum computing
3 campus;

4 (2) an exemption from the charges imposed under
5 Section 9-222 of the Public Utilities Act, Section 5-10 of
6 the Gas Use Tax Law, Section 2-4 of the Electricity Excise
7 Tax Law, Section 2 of the Telecommunications Excise Tax
8 Act, Section 10 of the Telecommunications Infrastructure
9 Maintenance Fee Act, and Section 5-7 of the Simplified
10 Municipal Telecommunications Tax Act; and

11 (3) a credit against the taxes imposed under
12 subsections (a) and (b) of Section 201 of the Illinois
13 Income Tax Act as provided in Section 241 of the Illinois
14 Income Tax Act.

15 (c) Certificates of exemption and credit certificates
16 under this Section shall be issued by the Department. Upon
17 certification by the Department under this Section, the
18 Department shall notify the Department of Revenue of the
19 certification. The exemption status shall take effect within 3
20 months after certification of the taxpayer and notice to the
21 Department of Revenue by the Department.

22 (d) Entities seeking to form a quantum computing campus
23 must apply to the Department in the manner specified by the
24 Department. Entities seeking to join an established campus
25 must apply for an amendment to the existing campus. This
26 application for amendment must be submitted to the Department

1 with support from other campus members.

2 The Department shall determine the duration of
3 certificates of exemption awarded under this Act. The duration
4 of the certificates of exemption may not exceed 20 calendar
5 years and one renewal for an additional 20 years.

6 The Department and any tenant located in a quantum
7 computing campus seeking the benefits under this Section must
8 enter into a memorandum of understanding that, at a minimum,
9 provides:

10 (1) the details for determining the amount of capital
11 investment to be made;

12 (2) the number of new jobs created;

13 (3) the timeline for achieving the capital investment
14 and new job goals;

15 (4) the repayment obligation should those goals not be
16 achieved and any conditions under which repayment by the
17 tenant or tenants claiming the exemption shall be
18 required;

19 (5) the duration of the exemptions; and

20 (6) other provisions as deemed necessary by the
21 Department.

22 The Department shall, within 10 days after the
23 designation, send a letter of notification to each member of
24 the General Assembly whose legislative district or
25 representative district contains all or part of the designated
26 area.

1 (e) Beginning on July 1, 2025, and each year thereafter,
2 the Department shall annually report to the Governor and the
3 General Assembly on the outcomes and effectiveness of Public
4 Act 103-595 ~~this amendatory Act of the 103rd General Assembly.~~

5 The report shall include the following:

6 (1) the names of each tenant located within the
7 quantum computing campus;

8 (2) the location of each quantum computing campus;

9 (3) the estimated value of the credits to be issued to
10 quantum computing campus tenants;

11 (4) the number of new jobs and, if applicable,
12 retained jobs pledged at each quantum computing campus;
13 and

14 (5) whether or not the quantum computing campus is
15 located in an underserved area, an energy transition zone,
16 or an opportunity zone.

17 (f) Tenants at the quantum computing campus seeking a
18 certificate of exemption related to the construction of
19 required facilities shall require the contractor and all
20 subcontractors to:

21 (1) comply with the requirements of Section 30-22 of
22 the Illinois Procurement Code as those requirements apply
23 to responsible bidders and to present satisfactory
24 evidence of that compliance to the Department; and

25 (2) enter into a project labor agreement submitted to
26 the Department.

1 (g) The Department shall not issue any new certificates of
2 exemption under the provisions of this Section after July 1,
3 2030. This sunset shall not affect any existing certificates
4 of exemption in effect on July 1, 2030.

5 (h) The Department shall adopt rules to implement and
6 administer this Section.

7 (Source: P.A. 103-595, eff. 6-26-24; revised 9-27-24.)

8 (20 ILCS 605/605-1116)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 605-1116 ~~605-1115~~. Creative Economy Task Force.

11 (a) Subject to appropriation, the Creative Economy Task
12 Force is created within the Department of Commerce and
13 Economic Opportunity to create a strategic plan to develop the
14 creative economy in this State.

15 (b) The Task Force shall consist of the following members:

16 (1) the Director of Commerce and Economic Opportunity
17 or the Director's designee, who shall serve as chair of
18 the Task Force;

19 (2) the Executive Director of the Illinois Arts
20 Council or the Executive Director's designee, who shall
21 serve as the vice-chair of the Task Force;

22 (3) one member appointed by the Speaker of the House
23 of Representatives;

24 (4) one member appointed by the Minority Leader of the
25 House of Representatives;

1 (5) one member appointed by the President of the
2 Senate;

3 (6) one member appointed by the Minority Leader of the
4 Senate;

5 (7) one member from the banking industry with
6 experience in matters involving the federal Small Business
7 Administration, appointed by the Governor;

8 (8) one member from a certified public accounting firm
9 or other company with experience in financial modeling and
10 the creative arts, appointed by the Governor;

11 (9) one member recommended by a statewide organization
12 representing counties, appointed by the Governor;

13 (10) one member from an Illinois public institution of
14 higher education or nonprofit research institution with
15 experience in matters involving cultural arts, appointed
16 by the Governor;

17 (11) the Director of Labor or the Director's designee;
18 and

19 (12) five members from this State's arts community,
20 appointed by the Governor, including, but not limited to,
21 the following sectors:

22 (A) film, television, and video production;

23 (B) recorded audio and music production;

24 (C) animation production;

25 (D) video game development;

26 (E) live theater, orchestra, ballet, and opera;

1 (F) live music performance;

2 (G) visual arts, including sculpture, painting,
3 graphic design, and photography;

4 (H) production facilities, such as film and
5 television studios;

6 (I) live music or performing arts venues; and

7 (J) arts service organizations.

8 (c) No later than July 1, 2026, the Task Force shall
9 collect and analyze data on the current state of the creative
10 economy in this State and develop a strategic plan to improve
11 this State's creative economy that can be rolled out in
12 incremental phases to reach identified economic, social
13 justice, and business development goals. The goal of the
14 strategic plan shall be to ensure that this State is
15 competitive with respect to attracting creative economy
16 business, retaining talent within this State, and developing
17 marketable content that can be exported for national and
18 international consumption and monetization. The strategic plan
19 shall address support for the creative community within
20 historically marginalized communities, as well as the creative
21 economy at large, and take into account the diverse interests,
22 strengths, and needs of the people of this State. In
23 developing the strategic plan for the creative economy in this
24 State, the Task Force shall:

25 (1) identify existing studies of aspects affecting the
26 creative economy, including studies relating to tax

1 issues, legislation, finance, population and demographics,
2 and employment;

3 (2) conduct a comparative analysis with other
4 jurisdictions that have successfully developed creative
5 economy plans and programs;

6 (3) conduct in-depth interviews to identify best
7 practices for structuring a strategic plan for this State;

8 (4) evaluate existing banking models for financing
9 creative economy projects in the private sector and
10 develop a financial model to promote investment in this
11 State's creative economy;

12 (5) evaluate existing federal, State, and local tax
13 incentives and make recommendations for improvements to
14 support the creative economy;

15 (6) identify the role that counties and cities play
16 with respect to the strategic plan and the specific
17 counties and cities that may need or want a stronger
18 creative economy;

19 (7) identify opportunities for aligning with new
20 business models and the integration of new technologies;

21 (8) identify the role that State education programs in
22 the creative arts play in the creative economy and with
23 respect to advancing the strategic plan;

24 (9) identify geographic areas with the least amount of
25 access or opportunity for a creative economy;

26 (10) identify opportunities for earn-and-learn job

1 training employment for students who have enrolled or
2 completed a program in the arts, low-income or unemployed
3 creative workers, and others with demonstrated interest in
4 creative work in their communities; and

5 (11) identify existing initiatives and projects that
6 can be used as models for earn-and-learn opportunities or
7 as examples of best practices for earn-and-learn
8 opportunities that can be replicated Statewide or in
9 different regions.

10 (d) The Task Force shall submit its findings and
11 recommendations to the General Assembly no later than July 1,
12 2026.

13 (e) Members of the Task Force shall serve without
14 compensation but may be reimbursed for necessary expenses
15 incurred in the performance of their duties. The Department of
16 Commerce and Economic Opportunity shall provide administrative
17 support to the Task Force.

18 (f) Appropriations for the Task Force may be used to
19 support operational expenses of the Department, including
20 entering into a contract with a third-party provider for
21 administrative support.

22 (g) The Director or the Director's designee may, after
23 issuing a request for proposals, designate a third-party
24 provider to help facilitate Task Force meetings, compile
25 information, and prepare the strategic plan described in
26 subsection (c). A third-party provider contracted by the

1 Director shall have experience conducting business in
2 professional arts or experience in business development and
3 drafting business plans and multidisciplinary planning
4 documents.

5 (h) This Section is repealed January 1, 2027.

6 (Source: P.A. 103-811, eff. 8-9-24; revised 9-23-24.)

7 (20 ILCS 605/605-1117)

8 (Section scheduled to be repealed on June 1, 2026)

9 Sec. 605-1117 ~~605-1115~~. Task Force on Interjurisdictional
10 Industrial Zoning Impacts.

11 (a) The General Assembly finds that industrial
12 developments typically have regional impacts, both positive
13 and negative. Those impacts extend beyond the zoning authority
14 of the unit of local government where the development is
15 located. Units of local government may experience impacts on
16 public health, public safety, the environment, traffic,
17 property values, population, and other considerations as a
18 result of industrial development occurring outside of ~~the~~
19 their zoning jurisdiction, including areas adjacent to their
20 borders.

21 (b) The Task Force on Interjurisdictional Industrial
22 Zoning Impacts is created within the Department of Commerce
23 and Economic Opportunity. The Task Force shall examine the
24 following:

25 (1) current State and local zoning laws and policies

1 related to large industrial developments;

2 (2) current State and local laws and policies related
3 to annexation;

4 (3) State and local zoning and annexation laws and
5 policies outside of Illinois;

6 (4) the potential impacts of large industrial
7 developments on neighboring units of local government,
8 including how those developments may affect residential
9 communities;

10 (5) trends in industrial zoning across urban,
11 suburban, and rural regions of Illinois;

12 (6) available methodologies to determine the impact of
13 large industrial developments; and

14 (7) outcomes in recent zoning proceedings for large
15 industrial developments or attempts to develop properties
16 for large industrial purposes, including the recent
17 attempt to convert a 101 acre campus in Lake County near
18 Deerfield.

19 (c) The Task Force on Interjurisdictional Industrial
20 Zoning Impacts shall consist of the following members:

21 (1) the Director of Commerce and Economic Opportunity
22 or his or her designee;

23 (2) one member, appointed by the President of the
24 Senate, representing a statewide organization of
25 municipalities described in Section 1-8-1 of the Illinois
26 Municipal Code;

1 (3) one member, appointed by the President of the
2 Senate, representing a regional association of
3 municipalities and mayors;

4 (4) one member, appointed by the President of the
5 Senate, representing a regional association that
6 represents the commercial real estate industry;

7 (5) one member, appointed by the Speaker of the House
8 of Representatives, representing a statewide association
9 representing counties;

10 (6) one member, appointed by the Speaker of the House
11 of Representatives, representing a regional association of
12 municipalities and mayors;

13 (7) one member, appointed by the Minority Leader of
14 the Senate, representing a statewide professional economic
15 development association;

16 (8) one member, appointed by the Minority Leader of
17 the House of Representatives, representing a statewide
18 association of park districts;

19 (9) one member representing a statewide labor
20 organization, appointed by the Governor;

21 (10) one member representing the Office of the
22 Governor, appointed by the Governor;

23 (11) one member of the Senate, appointed by the
24 President of the Senate;

25 (12) one member of the Senate, appointed by the
26 Minority Leader of the Senate;

1 (13) one member of the House of Representatives,
2 appointed by the Speaker of the House of Representatives;

3 (14) one member of the House of Representatives,
4 appointed by the Minority Leader of the House of
5 Representatives; and

6 (15) one member representing a statewide manufacturing
7 association, appointed by the Governor.

8 (d) The members of the Task Force shall serve without
9 compensation. The Department of Commerce and Economic
10 Opportunity shall provide administrative support to the Task
11 Force.

12 (e) The Task Force shall meet at least once every 2 months.
13 Upon the first meeting of the Task Force, the members of the
14 Task Force shall elect a chairperson of the Task Force.

15 (f) The Task Force shall prepare a report on its findings
16 concerning zoning for large industrial development and
17 associated interjurisdictional impacts, including any
18 recommendations. The report shall be submitted to the Governor
19 and the General Assembly no later than December 31, 2025.

20 (g) This Section is repealed June 1, 2026.

21 (Source: P.A. 103-882, eff. 8-9-24; revised 9-23-24.)

22 Section 110. The Economic Development Area Tax Increment
23 Allocation Act is amended by changing Section 8 as follows:

24 (20 ILCS 620/8) (from Ch. 67 1/2, par. 1008)

1 Sec. 8. Issuance of obligations for economic development
2 project costs. Obligations secured by the special tax
3 allocation fund provided for in Section 7 of this Act for an
4 economic development project area may be issued to provide for
5 economic development project costs. Those obligations, when so
6 issued, shall be retired in the manner provided in the
7 ordinance authorizing the issuance of the obligations by the
8 receipts of taxes levied as specified in Section 6 of this Act
9 against the taxable property included in the economic
10 development project area and by other revenue designated or
11 pledged by the municipality. A municipality may in the
12 ordinance pledge all or any part of the funds in and to be
13 deposited in the special tax allocation fund created pursuant
14 to Section 7 of this Act to the payment of the economic
15 development project costs and obligations. Whenever a
16 municipality pledges all of the funds to the credit of a
17 special tax allocation fund to secure obligations issued or to
18 be issued to pay economic development project costs, the
19 municipality may specifically provide that funds remaining to
20 the credit of such special tax allocation fund after the
21 payment of such obligations shall be accounted for annually
22 and shall be deemed to be "surplus" funds, and such "surplus"
23 funds shall be distributed as hereinafter provided. Whenever a
24 municipality pledges less than all of the monies to the credit
25 of a special tax allocation fund to secure obligations issued
26 or to be issued to pay economic development project costs, the

1 municipality shall provide that monies to the credit of the
2 special tax allocation fund and not subject to such pledge or
3 otherwise encumbered or required for payment of contractual
4 obligations for specific economic development project costs
5 shall be calculated annually and shall be deemed to be
6 "surplus" funds, and such "surplus" funds shall be distributed
7 as hereinafter provided. All funds to the credit of a special
8 tax allocation fund which are deemed to be "surplus" funds
9 shall be distributed annually within 180 days of the close of
10 the municipality's fiscal year by being paid by the municipal
11 treasurer to the county collector. The county collector shall
12 thereafter make distribution to the respective taxing
13 districts in the same manner and proportion as the most recent
14 distribution by the county collector to those taxing districts
15 of real property taxes from real property in the economic
16 development project area.

17 Without limiting the foregoing in this Section, the
18 municipality may, in addition to obligations secured by the
19 special tax allocation fund, pledge for a period not greater
20 than the term of the obligations towards payment of those
21 obligations any part or any combination of the following: (i)
22 net revenues of all or part of any economic development
23 project; (ii) taxes levied and collected on any or all
24 property in the municipality, including, specifically, taxes
25 levied or imposed by the municipality in a special service
26 area pursuant to "An Act to provide the manner of levying or

1 imposing taxes for the provision of special services to areas
2 within the boundaries of home rule units and non-home rule
3 municipalities and counties", approved September 21, 1973, as
4 now or hereafter amended; (iii) the full faith and credit of
5 the municipality; (iv) a mortgage on part or all of the
6 economic development project; or (v) any other taxes or
7 anticipated receipts that the municipality may lawfully
8 pledge.

9 Such obligations may be issued in one or more series
10 bearing interest at such rate or rates as the corporate
11 authorities of the municipality shall determine by ordinance,
12 which rate or rates may be variable or fixed, without regard to
13 any limitations contained in any law now in effect or
14 hereafter adopted. Such obligations shall bear such date or
15 dates, mature at such time or times not exceeding 38 years from
16 their respective dates, but in no event exceeding 38 years
17 from the date of establishment of the economic development
18 project area, be in such denomination, be in such form,
19 whether coupon, registered, or book-entry, carry such
20 registration, conversion, and exchange privileges, be executed
21 in such manner, be payable in such medium of payment at such
22 place or places within or without the State of Illinois,
23 contain such covenants, terms, and conditions, be subject to
24 redemption with or without premium, be subject to defeasance
25 upon such terms, and have such rank or priority, as such
26 ordinance shall provide. Obligations issued pursuant to this

1 Act may be sold at public or private sale at such price as
2 shall be determined by the corporate authorities of the
3 municipalities. Such obligations may, but need not, be issued
4 utilizing the provisions of any one or more of the omnibus bond
5 Acts specified in Section 1.33 of the Statute on Statutes "~~An~~
6 ~~Act to revise the law in relation to the construction of the~~
7 ~~statutes", approved March 5, 1874, as now or hereafter~~
8 ~~amended~~. No referendum approval of the electors shall be
9 required as a condition to the issuance of obligations
10 pursuant to this Act except as provided in this Section.

11 Whenever a municipality issues bonds for the purpose of
12 financing economic development project costs, the municipality
13 may provide by ordinance for the appointment of a trustee,
14 which may be any trust company within the State, and for the
15 establishment of the funds or accounts to be maintained by
16 such trustee as the municipality shall deem necessary to
17 provide for the security and payment of the bonds. If the
18 municipality provides for the appointment of a trustee, the
19 trustee shall be considered the assignee of any payments
20 assigned by the municipality pursuant to the ordinance and
21 this Section. Any amounts paid to the trustee as assignee
22 shall be deposited in the funds or accounts established
23 pursuant to the trust agreement, and shall be held by the
24 trustee in trust for the benefit of the holders of the bonds,
25 and the holders shall have a lien on and a security interest in
26 those bonds or accounts so long as the bonds remain

1 outstanding and unpaid. Upon retirement of the bonds, the
2 trustee shall pay over any excess amounts held to the
3 municipality for deposit in the special tax allocation fund.

4 In the event the municipality authorizes the issuance of
5 obligations pursuant to the authority of this Act secured by
6 the full faith and credit of the municipality, or pledges ad
7 valorem taxes pursuant to clause (ii) of the second paragraph
8 of this Section, which obligations are other than obligations
9 which may be issued under home rule powers provided by Article
10 VII, Section 6 of the Illinois Constitution or which ad
11 valorem taxes are other than ad valorem taxes which may be
12 pledged under home rule powers provided by Article VII,
13 Section 6 of the Illinois Constitution or which are levied in a
14 special service area pursuant to "An Act to provide the manner
15 of levying or imposing taxes for the provision of special
16 services to areas within the boundaries of home rule units and
17 non-home rule municipalities and counties", approved September
18 21, 1973, as now or hereafter amended, the ordinance
19 authorizing the issuance of those obligations or pledging
20 those taxes shall be published within 10 days after the
21 ordinance has been adopted, in one or more newspapers having a
22 general circulation within the municipality. The publication
23 of the ordinance shall be accompanied by a notice of: (1) the
24 specific number of voters required to sign a petition
25 requesting the question of the issuance of the obligations or
26 pledging such ad valorem taxes to be submitted to the

1 electors; (2) the time within which the petition must be
2 filed; and (3) the date of the prospective referendum. The
3 municipal clerk shall provide a petition form to any
4 individual requesting one.

5 If no petition is filed with the municipal clerk, as
6 hereinafter provided in this Section, within 21 days after the
7 publication of the ordinance, the ordinance shall be in
8 effect. However, if, within that 21-day ~~21-day~~ period, a
9 petition is filed with the municipal clerk, signed by electors
10 numbering not less than 15% of the number of electors voting
11 for the mayor or president at the last general municipal
12 election, asking that the question of issuing obligations
13 using full faith and credit of the municipality as security
14 for the cost of paying for economic development project costs,
15 or of pledging such ad valorem taxes for the payment of those
16 obligations, or both, be submitted to the electors of the
17 municipality, the municipality shall not be authorized to
18 issue obligations of the municipality using the full faith and
19 credit of the municipality as security or pledging such ad
20 valorem taxes for the payment of those obligations, or both,
21 until the proposition has been submitted to and approved by a
22 majority of the voters voting on the proposition at a
23 regularly scheduled election. The municipality shall certify
24 the proposition to the proper election authorities for
25 submission in accordance with the general election law.

26 The ordinance authorizing the obligations may provide that

1 the obligations shall contain a recital that they are issued
2 pursuant to this Act, which recital shall be conclusive
3 evidence of their validity and of the regularity of their
4 issuance.

5 In the event the municipality authorizes issuance of
6 obligations pursuant to this Act secured by the full faith and
7 credit of the municipality, the ordinance authorizing the
8 obligations may provide for the levy and collection of a
9 direct annual tax upon all taxable property within the
10 municipality sufficient to pay the principal thereof and
11 interest thereon as it matures, which levy may be in addition
12 to and exclusive of the maximum of all other taxes authorized
13 to be levied by the municipality, which levy, however, shall
14 be abated to the extent that monies from other sources are
15 available for payment of the obligations and the municipality
16 certifies the amount of those monies available to the county
17 clerk.

18 A certified copy of the ordinance shall be filed with the
19 county clerk of each county in which any portion of the
20 municipality is situated, and shall constitute the authority
21 for the extension and collection of the taxes to be deposited
22 in the special tax allocation fund.

23 A municipality may also issue its obligations to refund,
24 in whole or in part, obligations theretofore issued by the
25 municipality under the authority of this Act, whether at or
26 prior to maturity. However, the last maturity of the refunding

1 obligations shall not be expressed to mature later than 38
2 years from the date of the ordinance establishing the economic
3 development project area.

4 In the event a municipality issues obligations under home
5 rule powers or other legislative authority, the proceeds of
6 which are pledged to pay for economic development project
7 costs, the municipality may, if it has followed the procedures
8 in conformance with this Act, retire those obligations from
9 funds in the special tax allocation fund in amounts and in such
10 manner as if those obligations had been issued pursuant to the
11 provisions of this Act.

12 No obligations issued pursuant to this Act shall be
13 regarded as indebtedness of the municipality issuing those
14 obligations or any other taxing district for the purpose of
15 any limitation imposed by law.

16 Obligations issued pursuant to this Act shall not be
17 subject to the provisions of the Bond Authorization Act "~~An~~
18 ~~Act to authorize public corporations to issue bonds, other~~
19 ~~evidences of indebtedness and tax anticipation warrants~~
20 ~~subject to interest rate limitations set forth therein",~~
21 ~~approved May 26, 1970, as amended.~~

22 (Source: P.A. 97-636, eff. 6-1-12; revised 7-24-24.)

23 Section 115. The Reimagining Energy and Vehicles in
24 Illinois Act is amended by changing Sections 10, 20, 65, and 95
25 as follows:

1 (20 ILCS 686/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Advanced battery" means a battery that consists of a
4 battery cell that can be integrated into a module, pack, or
5 system to be used in energy storage applications, including a
6 battery used in an electric vehicle or the electric grid.

7 "Advanced battery component" means a component of an
8 advanced battery, including materials, enhancements,
9 enclosures, anodes, cathodes, electrolytes, cells, and other
10 associated technologies that comprise an advanced battery.

11 "Agreement" means the agreement between a taxpayer and the
12 Department under the provisions of Section 45 of this Act.

13 "Applicant" means a taxpayer that (i) operates a business
14 in Illinois or is planning to locate a business within the
15 State of Illinois and (ii) is engaged in interstate or
16 intrastate commerce as an electric vehicle manufacturer, an
17 electric vehicle component parts manufacturer, or an electric
18 vehicle power supply equipment manufacturer. For applications
19 for credits under this Act that are submitted on or after
20 February 3, 2023 (the effective date of Public Act 102-1125)

21 ~~this amendatory Act of the 102nd General Assembly~~, "applicant"
22 also includes a taxpayer that (i) operates a business in
23 Illinois or is planning to locate a business within the State
24 of Illinois and (ii) is engaged in interstate or intrastate
25 commerce as a renewable energy manufacturer. "Applicant" does

1 not include a taxpayer who closes or substantially reduces by
2 more than 50% operations at one location in the State and
3 relocates substantially the same operation to another location
4 in the State. This does not prohibit a Taxpayer from expanding
5 its operations at another location in the State. This also
6 does not prohibit a Taxpayer from moving its operations from
7 one location in the State to another location in the State for
8 the purpose of expanding the operation, provided that the
9 Department determines that expansion cannot reasonably be
10 accommodated within the municipality or county in which the
11 business is located, or, in the case of a business located in
12 an incorporated area of the county, within the county in which
13 the business is located, after conferring with the chief
14 elected official of the municipality or county and taking into
15 consideration any evidence offered by the municipality or
16 county regarding the ability to accommodate expansion within
17 the municipality or county.

18 "Battery raw materials" means the raw and processed form
19 of a mineral, metal, chemical, or other material used in an
20 advanced battery component.

21 "Battery raw materials refining service provider" means a
22 business that operates a facility that filters, sifts, and
23 treats battery raw materials for use in an advanced battery.

24 "Battery recycling and reuse manufacturer" means a
25 manufacturer that is primarily engaged in the recovery,
26 retrieval, processing, recycling, or recirculating of battery

1 raw materials for new use in electric vehicle batteries.

2 "Capital improvements" means the purchase, renovation,
3 rehabilitation, or construction of permanent tangible land,
4 buildings, structures, equipment, and furnishings in an
5 approved project sited in Illinois and expenditures for goods
6 or services that are normally capitalized, including
7 organizational costs and research and development costs
8 incurred in Illinois. For land, buildings, structures, and
9 equipment that are leased, the lease must equal or exceed the
10 term of the agreement, and the cost of the property shall be
11 determined from the present value, using the corporate
12 interest rate prevailing at the time of the application, of
13 the lease payments.

14 "Credit" means either a "REV Illinois Credit" or a "REV
15 Construction Jobs Credit" agreed to between the Department and
16 applicant under this Act.

17 "Department" means the Department of Commerce and Economic
18 Opportunity.

19 "Director" means the Director of Commerce and Economic
20 Opportunity.

21 "Electric vehicle" means a vehicle that is exclusively
22 powered by and refueled by electricity, including electricity
23 generated through hydrogen fuel cells or solar technology.

24 "Electric vehicle", except when referencing aircraft with
25 hybrid electric propulsion systems, does not include
26 hybrid-electric ~~hybrid electric~~ vehicles, electric bicycles,

1 or extended-range electric vehicles that are also equipped
2 with conventional fueled propulsion or auxiliary engines.

3 "Electric vehicle manufacturer" means a new or existing
4 manufacturer that is primarily focused on reequipping,
5 expanding, or establishing a manufacturing facility in
6 Illinois that produces electric vehicles as defined in this
7 Section.

8 "Electric vehicle component parts manufacturer" means a
9 new or existing manufacturer that is focused on reequipping,
10 expanding, or establishing a manufacturing facility in
11 Illinois that produces parts or accessories used in electric
12 vehicles, as defined by this Section, including advanced
13 battery component parts. The changes to this definition of
14 "electric vehicle component parts manufacturer" apply to
15 agreements under this Act that are entered into on or after
16 December 21, 2022 (the effective date of Public Act 102-1112)
17 ~~this amendatory Act of the 102nd General Assembly.~~

18 "Electric vehicle power supply equipment" means the
19 equipment used specifically for the purpose of delivering
20 electricity to an electric vehicle, including hydrogen fuel
21 cells or solar refueling infrastructure.

22 "Electric vehicle power supply manufacturer" means a new
23 or existing manufacturer that is focused on reequipping,
24 expanding, or establishing a manufacturing facility in
25 Illinois that produces electric vehicle power supply equipment
26 used for the purpose of delivering electricity to an electric

1 vehicle, including hydrogen fuel cell or solar refueling
2 infrastructure.

3 "Electric vehicle powertrain technology" means equipment
4 used to convert electricity for use in aerospace propulsion.

5 "Electric vehicle powertrain technology manufacturer"
6 means a new or existing manufacturer that is focused on
7 reequipping, expanding, or establishing a manufacturing
8 facility in Illinois that develops and validates electric
9 vehicle powertrain technology for use in aerospace propulsion.

10 "Electric vertical takeoff and landing aircraft" or "eVTOL
11 aircraft" means a fully electric aircraft that lands and takes
12 off vertically.

13 "Energy Transition Area" means a county with less than
14 100,000 people or a municipality that contains one or more of
15 the following:

16 (1) a fossil fuel plant that was retired from service
17 or has significant reduced service within 6 years before
18 the time of the application or will be retired or have
19 service significantly reduced within 6 years following the
20 time of the application; or

21 (2) a coal mine that was closed or had operations
22 significantly reduced within 6 years before the time of
23 the application or is anticipated to be closed or have
24 operations significantly reduced within 6 years following
25 the time of the application.

26 "Full-time employee" means an individual who is employed

1 for consideration for at least 35 hours each week or who
2 renders any other standard of service generally accepted by
3 industry custom or practice as full-time employment. An
4 individual for whom a W-2 is issued by a Professional Employer
5 Organization (PEO) is a full-time employee if employed in the
6 service of the applicant for consideration for at least 35
7 hours each week.

8 "Green steel manufacturer" means an entity that
9 manufactures steel without the use of fossil fuels and with
10 zero net carbon emissions.

11 "Incremental income tax" means the total amount withheld
12 during the taxable year from the compensation of new employees
13 and, if applicable, retained employees under Article 7 of the
14 Illinois Income Tax Act arising from employment at a project
15 that is the subject of an agreement.

16 "Institution of higher education" or "institution" means
17 any accredited public or private university, college,
18 community college, business, technical, or vocational school,
19 or other accredited educational institution offering degrees
20 and instruction beyond the secondary school level.

21 "Minority person" means a minority person as defined in
22 the Business Enterprise for Minorities, Women, and Persons
23 with Disabilities Act.

24 "New employee" means a newly-hired, full-time employee
25 employed to work at the project site and whose work is directly
26 related to the project.

1 "Noncompliance date" means, in the case of a taxpayer that
2 is not complying with the requirements of the agreement or the
3 provisions of this Act, the day following the last date upon
4 which the taxpayer was in compliance with the requirements of
5 the agreement and the provisions of this Act, as determined by
6 the Director, pursuant to Section 70.

7 "Pass-through entity" means an entity that is exempt from
8 the tax under subsection (b) or (c) of Section 205 of the
9 Illinois Income Tax Act.

10 "Placed in service" means the state or condition of
11 readiness, availability for a specifically assigned function,
12 and the facility is constructed and ready to conduct its
13 facility operations to manufacture goods.

14 "Professional employer organization" (PEO) means an
15 employee leasing company, as defined in Section 206.1 of the
16 Illinois Unemployment Insurance Act.

17 "Program" means the Reimagining Energy and Vehicles in
18 Illinois Program (the REV Illinois Program) established in
19 this Act.

20 "Project" or "REV Illinois Project" means a for-profit
21 economic development activity for the manufacture of electric
22 vehicles, electric vehicle component parts, electric vehicle
23 power supply equipment, or renewable energy products, which is
24 designated by the Department as a REV Illinois Project and is
25 the subject of an agreement.

26 "Recycling facility" means a location at which the

1 taxpayer disposes of batteries and other component parts in
2 manufacturing of electric vehicles, electric vehicle component
3 parts, or electric vehicle power supply equipment.

4 "Related member" means a person that, with respect to the
5 taxpayer during any portion of the taxable year, is any one of
6 the following:

7 (1) An individual stockholder, if the stockholder and
8 the members of the stockholder's family (as defined in
9 Section 318 of the Internal Revenue Code) own directly,
10 indirectly, beneficially, or constructively, in the
11 aggregate, at least 50% of the value of the taxpayer's
12 outstanding stock.

13 (2) A partnership, estate, trust and any partner or
14 beneficiary, if the partnership, estate, or trust, and its
15 partners or beneficiaries own directly, indirectly,
16 beneficially, or constructively, in the aggregate, at
17 least 50% of the profits, capital, stock, or value of the
18 taxpayer.

19 (3) A corporation, and any party related to the
20 corporation in a manner that would require an attribution
21 of stock from the corporation under the attribution rules
22 of Section 318 of the Internal Revenue Code, if the
23 Taxpayer owns directly, indirectly, beneficially, or
24 constructively at least 50% of the value of the
25 corporation's outstanding stock.

26 (4) A corporation and any party related to that

1 corporation in a manner that would require an attribution
2 of stock from the corporation to the party or from the
3 party to the corporation under the attribution rules of
4 Section 318 of the Internal Revenue Code, if the
5 corporation and all such related parties own in the
6 aggregate at least 50% of the profits, capital, stock, or
7 value of the taxpayer.

8 (5) A person to or from whom there is an attribution of
9 stock ownership in accordance with Section 1563(e) of the
10 Internal Revenue Code, except, for purposes of determining
11 whether a person is a related member under this paragraph,
12 20% shall be substituted for 5% wherever 5% appears in
13 Section 1563(e) of the Internal Revenue Code.

14 "Renewable energy" means energy produced using the
15 materials and sources of energy through which renewable energy
16 resources are generated.

17 "Renewable energy manufacturer" means a manufacturer whose
18 primary function is to manufacture or assemble: (i) equipment,
19 systems, or products used to produce renewable or nuclear
20 energy; (ii) products used for energy storage, or grid
21 efficiency purposes; or (iii) component parts for that
22 equipment or those systems or products.

23 "Renewable energy resources" has the meaning ascribed to
24 that term in Section 1-10 of the Illinois Power Agency Act.

25 "Research and development" means work directed toward the
26 innovation, introduction, and improvement of products and

1 processes. "Research and development" includes all levels of
2 research and development that directly result in the potential
3 manufacturing and marketability of renewable energy, electric
4 vehicles, electric vehicle component parts, and electric or
5 hybrid aircraft.

6 "Retained employee" means a full-time employee employed by
7 the taxpayer prior to the term of the Agreement who continues
8 to be employed during the term of the agreement whose job
9 duties are directly related to the project. The term "retained
10 employee" does not include any individual who has a direct or
11 an indirect ownership interest of at least 5% in the profits,
12 equity, capital, or value of the taxpayer or a child,
13 grandchild, parent, or spouse, other than a spouse who is
14 legally separated from the individual, of any individual who
15 has a direct or indirect ownership of at least 5% in the
16 profits, equity, capital, or value of the taxpayer. The
17 changes to this definition of "retained employee" apply to
18 agreements for credits under this Act that are entered into on
19 or after December 21, 2022 (the effective date of Public Act
20 102-1112) ~~this amendatory Act of the 102nd General Assembly.~~

21 "REV Illinois credit" means a credit agreed to between the
22 Department and the applicant under this Act that is based on
23 the incremental income tax attributable to new employees and,
24 if applicable, retained employees, and on training costs for
25 such employees at the applicant's project.

26 "REV construction jobs credit" means a credit agreed to

1 between the Department and the applicant under this Act that
2 is based on the incremental income tax attributable to
3 construction wages paid in connection with construction of the
4 project facilities.

5 "Statewide baseline" means the total number of full-time
6 employees of the applicant and any related member employed by
7 such entities at the time of application for incentives under
8 this Act.

9 "Taxpayer" means an individual, corporation, partnership,
10 or other entity that has a legal obligation to pay Illinois
11 income taxes and file an Illinois income tax return.

12 "Training costs" means costs incurred to upgrade the
13 technological skills of full-time employees in Illinois and
14 includes: curriculum development; training materials
15 (including scrap product costs); trainee domestic travel
16 expenses; instructor costs (including wages, fringe benefits,
17 tuition, and domestic travel expenses); rent, purchase, or
18 lease of training equipment; and other usual and customary
19 training costs. "Training costs" do not include costs
20 associated with travel outside the United States (unless the
21 Taxpayer receives prior written approval for the travel by the
22 Director based on a showing of substantial need or other proof
23 the training is not reasonably available within the United
24 States), wages and fringe benefits of employees during periods
25 of training, or administrative cost related to full-time
26 employees of the taxpayer.

1 "Underserved area" means any geographic area as defined in
2 Section 5-5 of the Economic Development for a Growing Economy
3 Tax Credit Act.

4 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;
5 102-1112, eff. 12-21-22; 102-1125, eff. 2-3-23; 103-595, eff.
6 6-26-24; revised 10-24-24.)

7 (20 ILCS 686/20)

8 Sec. 20. REV Illinois Program; project applications.

9 (a) The Reimagining Energy and Vehicles in Illinois (REV
10 Illinois) Program is hereby established and shall be
11 administered by the Department. The Program will provide
12 financial incentives to any one or more of the following: (1)
13 eligible manufacturers of electric vehicles, electric vehicle
14 component parts, and electric vehicle power supply equipment;
15 (2) battery recycling and reuse manufacturers; (3) battery raw
16 materials refining service providers; or (4) renewable energy
17 manufacturers.

18 (b) Any taxpayer planning a project to be located in
19 Illinois may request consideration for designation of its
20 project as a REV Illinois Project, by formal written letter of
21 request or by formal application to the Department, in which
22 the applicant states its intent to make at least a specified
23 level of investment and intends to hire a specified number of
24 full-time employees at a designated location in Illinois. As
25 circumstances require, the Department shall require a formal

1 application from an applicant and a formal letter of request
2 for assistance.

3 (c) In order to qualify for credits under the REV Illinois
4 Program, an applicant must:

5 (1) if the applicant is an electric vehicle
6 manufacturer:

7 (A) make an investment of at least \$1,500,000,000
8 in capital improvements at the project site;

9 (B) to be placed in service within the State
10 within a 60-month period after approval of the
11 application; and

12 (C) create at least 500 new full-time employee
13 jobs; or

14 (2) if the applicant is an electric vehicle component
15 parts manufacturer, a renewable energy manufacturer, a
16 green steel manufacturer, or an entity engaged in
17 research, development, or manufacturing of eVTOL aircraft
18 or hybrid-electric or fully electric propulsion systems
19 for airliners:

20 (A) make an investment of at least \$300,000,000 in
21 capital improvements at the project site;

22 (B) manufacture one or more parts that are
23 primarily used for electric vehicle, renewable energy,
24 or green steel manufacturing;

25 (C) to be placed in service within the State
26 within a 60-month period after approval of the

1 application; and

2 (D) create at least 150 new full-time employee
3 jobs; or

4 (3) if the agreement is entered into before February
5 3, 2023 (the effective date of Public Act 102-1125) ~~this~~
6 ~~amendatory Act of the 102nd General Assembly~~ and the
7 applicant is an electric vehicle manufacturer, an electric
8 vehicle power supply equipment manufacturer, an electric
9 vehicle component part manufacturer, renewable energy
10 manufacturer, or green steel manufacturer that does not
11 qualify under paragraph (2) above, a battery recycling and
12 reuse manufacturer, or a battery raw materials refining
13 service provider:

14 (A) make an investment of at least \$20,000,000 in
15 capital improvements at the project site;

16 (B) for electric vehicle component part
17 manufacturers, manufacture one or more parts that are
18 primarily used for electric vehicle manufacturing;

19 (C) to be placed in service within the State
20 within a 48-month period after approval of the
21 application; and

22 (D) create at least 50 new full-time employee
23 jobs; or

24 (3.1) if the agreement is entered into on or after
25 February 3, 2023 (the effective date of Public Act
26 102-1125) ~~this amendatory Act of the 102nd General~~

1 ~~Assembly~~ and the applicant is an electric vehicle
2 manufacturer, an electric vehicle power supply equipment
3 manufacturer, an electric vehicle component part
4 manufacturer, a renewable energy manufacturer, a green
5 steel manufacturer, or an entity engaged in research,
6 development, or manufacturing of eVTOL aircraft or
7 hybrid-electric or fully electric propulsion systems for
8 airliners that does not qualify under paragraph (2) above, a
9 a battery recycling and reuse manufacturer, or a battery
10 raw materials refining service provider:

11 (A) make an investment of at least \$2,500,000 in
12 capital improvements at the project site;

13 (B) in the case of electric vehicle component part
14 manufacturers, manufacture one or more parts that are
15 used for electric vehicle manufacturing;

16 (C) to be placed in service within the State
17 within a 48-month period after approval of the
18 application; and

19 (D) create the lesser of 50 new full-time employee
20 jobs or new full-time employee jobs equivalent to 10%
21 of the Statewide baseline applicable to the taxpayer
22 and any related member at the time of application; or

23 (4) if the agreement is entered into before February
24 3, 2023 (the effective date of Public Act 102-1125) ~~this~~
25 ~~amendatory Act of the 102nd General Assembly~~ and the
26 applicant is an electric vehicle manufacturer or electric

1 vehicle component parts manufacturer with existing
2 operations within Illinois that intends to convert or
3 expand, in whole or in part, the existing facility from
4 traditional manufacturing to primarily electric vehicle
5 manufacturing, electric vehicle component parts
6 manufacturing, ~~an~~ electric vehicle power supply equipment
7 manufacturing, or a green steel manufacturer:

8 (A) make an investment of at least \$100,000,000 in
9 capital improvements at the project site;

10 (B) to be placed in service within the State
11 within a 60-month period after approval of the
12 application; and

13 (C) create the lesser of 75 new full-time employee
14 jobs or new full-time employee jobs equivalent to 10%
15 of the Statewide baseline applicable to the taxpayer
16 and any related member at the time of application;

17 (4.1) if the agreement is entered into on or after
18 February 3, 2023 (the effective date of Public Act
19 102-1125) ~~this amendatory Act of the 102nd General~~
20 ~~Assembly~~ and the applicant (i) is an electric vehicle
21 manufacturer, an electric vehicle component parts
22 manufacturer, a renewable energy manufacturer, a green
23 steel manufacturer, or an entity engaged in research,
24 development, or manufacturing of eVTOL aircraft or hybrid
25 electric or fully electric propulsion systems for
26 airliners and (ii) has existing operations within Illinois

1 that the applicant intends to convert or expand, in whole
2 or in part, from traditional manufacturing to electric
3 vehicle manufacturing, electric vehicle component parts
4 manufacturing, renewable energy manufacturing, or electric
5 vehicle power supply equipment manufacturing:

6 (A) make an investment of at least \$100,000,000 in
7 capital improvements at the project site;

8 (B) to be placed in service within the State
9 within a 60-month period after approval of the
10 application; and

11 (C) create the lesser of 50 new full-time employee
12 jobs or new full-time employee jobs equivalent to 10%
13 of the Statewide baseline applicable to the taxpayer
14 and any related member at the time of application; or

15 (5) if the agreement is entered into on or after June
16 7, 2023 (the effective date of the changes made to this
17 Section by Public Act 103-9) ~~this amendatory Act of the~~
18 ~~103rd General Assembly~~ and before June 1, 2024 and the
19 applicant (i) is an electric vehicle manufacturer, an
20 electric vehicle component parts manufacturer, or a
21 renewable energy manufacturer or (ii) has existing
22 operations within Illinois that the applicant intends to
23 convert or expand, in whole or in part, from traditional
24 manufacturing to electric vehicle manufacturing, electric
25 vehicle component parts manufacturing, renewable energy
26 manufacturing, or electric vehicle power supply equipment

1 manufacturing:

2 (A) make an investment of at least \$500,000,000 in
3 capital improvements at the project site;

4 (B) to be placed in service within the State
5 within a 60-month period after approval of the
6 application; and

7 (C) retain at least 800 full-time employee jobs at
8 the project.

9 (d) For agreements entered into prior to April 19, 2022
10 (the effective date of Public Act 102-700), for any applicant
11 creating the full-time employee jobs noted in subsection (c),
12 those jobs must have a total compensation equal to or greater
13 than 120% of the average wage paid to full-time employees in
14 the county where the project is located, as determined by the
15 U.S. Bureau of Labor Statistics. For agreements entered into
16 on or after April 19, 2022 (the effective date of Public Act
17 102-700), for any applicant creating the full-time employee
18 jobs noted in subsection (c), those jobs must have a
19 compensation equal to or greater than 120% of the average wage
20 paid to full-time employees in a similar position within an
21 occupational group in the county where the project is located,
22 as determined by the Department.

23 (e) For any applicant, within 24 months after being placed
24 in service, it must certify to the Department that it is carbon
25 neutral or has attained certification under one of more of the
26 following green building standards:

1 (1) BREEAM for New Construction or BREEAM In-Use;

2 (2) ENERGY STAR;

3 (3) Envision;

4 (4) ISO 50001 - energy management;

5 (5) LEED for Building Design and Construction or LEED
6 for Building Operations and Maintenance;

7 (6) Green Globes for New Construction or Green Globes
8 for Existing Buildings; or

9 (7) UL 3223.

10 (f) Each applicant must outline its hiring plan and
11 commitment to recruit and hire full-time employee positions at
12 the project site. The hiring plan may include a partnership
13 with an institution of higher education to provide
14 internships, including, but not limited to, internships
15 supported by the Clean Jobs Workforce Network Program, or
16 full-time permanent employment for students at the project
17 site. Additionally, the applicant may create or utilize
18 participants from apprenticeship programs that are approved by
19 and registered with the United States Department of Labor's
20 Bureau of Apprenticeship and Training. The applicant may apply
21 for apprenticeship education expense credits in accordance
22 with the provisions set forth in 14 Ill. Adm. Code 522. Each
23 applicant is required to report annually, on or before April
24 15, on the diversity of its workforce in accordance with
25 Section 50 of this Act. For existing facilities of applicants
26 under paragraph (3) of subsection (b) above, if the taxpayer

1 expects a reduction in force due to its transition to
2 manufacturing electric vehicle, electric vehicle component
3 parts, or electric vehicle power supply equipment, the plan
4 submitted under this Section must outline the taxpayer's plan
5 to assist with retraining its workforce aligned with the
6 taxpayer's adoption of new technologies and anticipated
7 efforts to retrain employees through employment opportunities
8 within the taxpayer's workforce.

9 (g) Each applicant must demonstrate a contractual or other
10 relationship with a recycling facility, or demonstrate its own
11 recycling capabilities, at the time of application and report
12 annually a continuing contractual or other relationship with a
13 recycling facility and the percentage of batteries used in
14 electric vehicles recycled throughout the term of the
15 agreement.

16 (h) A taxpayer may not enter into more than one agreement
17 under this Act with respect to a single address or location for
18 the same period of time. Also, a taxpayer may not enter into an
19 agreement under this Act with respect to a single address or
20 location for the same period of time for which the taxpayer
21 currently holds an active agreement under the Economic
22 Development for a Growing Economy Tax Credit Act. This
23 provision does not preclude the applicant from entering into
24 an additional agreement after the expiration or voluntary
25 termination of an earlier agreement under this Act or under
26 the Economic Development for a Growing Economy Tax Credit Act

1 to the extent that the taxpayer's application otherwise
2 satisfies the terms and conditions of this Act and is approved
3 by the Department. An applicant with an existing agreement
4 under the Economic Development for a Growing Economy Tax
5 Credit Act may submit an application for an agreement under
6 this Act after it terminates any existing agreement under the
7 Economic Development for a Growing Economy Tax Credit Act with
8 respect to the same address or location. If a project that is
9 subject to an existing agreement under the Economic
10 Development for a Growing Economy Tax Credit Act meets the
11 requirements to be designated as a REV Illinois project under
12 this Act, including for actions undertaken prior to the
13 effective date of this Act, the taxpayer that is subject to
14 that existing agreement under the Economic Development for a
15 Growing Economy Tax Credit Act may apply to the Department to
16 amend the agreement to allow the project to become a
17 designated REV Illinois project. Following the amendment, time
18 accrued during which the project was eligible for credits
19 under the existing agreement under the Economic Development
20 for a Growing Economy Tax Credit Act shall count toward the
21 duration of the credit subject to limitations described in
22 Section 40 of this Act.

23 (i) If, at any time following the designation of a project
24 as a REV Illinois Project by the Department and prior to the
25 termination or expiration of an agreement under this Act, the
26 project ceases to qualify as a REV Illinois project because

1 the taxpayer is no longer an electric vehicle manufacturer, an
2 electric vehicle component manufacturer, an electric vehicle
3 power supply equipment manufacturer, a battery recycling and
4 reuse manufacturer, a battery raw materials refining service
5 provider, or an entity engaged in eVTOL or hybrid electric or
6 fully electric propulsion systems for airliners research,
7 development, or manufacturing, that project may receive tax
8 credit awards as described in Section 5-15 and Section 5-51 of
9 the Economic Development for a Growing Economy Tax Credit Act,
10 as long as the project continues to meet requirements to
11 obtain those credits as described in the Economic Development
12 for a Growing Economy Tax Credit Act and remains compliant
13 with terms contained in the Agreement under this Act not
14 related to their status as an electric vehicle manufacturer,
15 an electric vehicle component manufacturer, an electric
16 vehicle power supply equipment manufacturer, a battery
17 recycling and reuse manufacturer, a battery raw materials
18 refining service provider, or an entity engaged in eVTOL or
19 hybrid-electric or fully electric propulsion systems for
20 airliners research, development, or manufacturing. Time
21 accrued during which the project was eligible for credits
22 under an agreement under this Act shall count toward the
23 duration of the credit subject to limitations described in
24 Section 5-45 of the Economic Development for a Growing Economy
25 Tax Credit Act.

26 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;

1 102-1112, eff. 12-21-22; 102-1125, eff. 2-3-23; 103-9, eff.
2 6-7-23; 103-595, eff. 6-26-24; revised 10-24-24.)

3 (20 ILCS 686/65)

4 Sec. 65. REV Construction Jobs Credits.

5 (a) Each REV program participant that is engaged in
6 construction work who seeks to apply for a REV Construction
7 Jobs credit shall annually, until construction is completed,
8 submit a report that, at a minimum, describes the projected
9 project scope, timeline, and anticipated budget. Once the
10 project has commenced, the annual report shall include actual
11 data for the prior year as well as projections for each
12 additional year through completion of the project. The
13 Department shall issue detailed reporting guidelines
14 prescribing the requirements of construction-related
15 ~~construction-related~~ reports.

16 In order to receive credit for construction expenses, the
17 company must provide the Department with evidence that a
18 certified third-party executed an Agreed-Upon Procedure (AUP)
19 verifying the construction expenses or accept the standard
20 construction wage expense estimated by the Department.

21 Upon review of the final project scope, timeline, budget,
22 and AUP, the Department shall issue a tax credit certificate
23 reflecting a percentage of the total construction job wages
24 paid throughout the completion of the project.

25 (b) (Blank).

1 (c) (Blank).

2 (d) (Blank).

3 (e) Upon 7 business days' notice, the taxpayer shall make
4 available to any State agency and to federal, State, or local
5 law enforcement agencies and prosecutors for inspection and
6 copying at a location within this State during reasonable
7 hours, the report described in subsection (a).

8 (Source: P.A. 102-669, eff. 11-16-21; 103-595, eff. 6-26-24;
9 revised 10-23-24.)

10 (20 ILCS 686/95)

11 Sec. 95. Utility tax exemptions for REV Illinois Project
12 sites. The Department may certify a taxpayer with a REV
13 Illinois credit for a Project that meets the qualifications
14 under paragraph ~~Section-paragraphs~~ (1), (2), (4), (4.1), or
15 (5) of subsection (c) of Section 20, subject to an agreement
16 under this Act for an exemption from the tax imposed at the
17 project site by Section 2-4 of the Electricity Excise Tax Law.
18 To receive such certification, the taxpayer must be registered
19 to self-assess that tax. The taxpayer is also exempt from any
20 additional charges added to the taxpayer's utility bills at
21 the project site as a pass-on of State utility taxes under
22 Section 9-222 of the Public Utilities Act. The taxpayer must
23 meet any other criteria for certification set by the
24 Department.

25 The Department shall determine the period during which the

1 exemption from the Electricity Excise Tax Law and the charges
2 imposed under Section 9-222 of the Public Utilities Act are in
3 effect, which shall not exceed 30 years from the date of the
4 taxpayer's initial receipt of certification from the
5 Department under this Section.

6 The Department is authorized to adopt rules to carry out
7 the provisions of this Section, including procedures to apply
8 for the exemptions; to define the amounts and types of
9 eligible investments that an applicant must make in order to
10 receive electricity excise tax exemptions or exemptions from
11 the additional charges imposed under Section 9-222 and the
12 Public Utilities Act; to approve such electricity excise tax
13 exemptions for applicants whose investments are not yet placed
14 in service; and to require that an applicant granted an
15 electricity excise tax exemption or an exemption from
16 additional charges under Section 9-222 of the Public Utilities
17 Act repay the exempted amount if the applicant ~~Applicant~~ fails
18 to comply with the terms and conditions of the agreement.

19 Upon certification by the Department under this Section,
20 the Department shall notify the Department of Revenue of the
21 certification. The Department of Revenue shall notify the
22 public utilities of the exempt status of any taxpayer
23 certified for exemption under this Act from the electricity
24 excise tax or pass-on charges. The exemption status shall take
25 effect within 3 months after certification of the taxpayer and
26 notice to the Department of Revenue by the Department.

(Source: P.A. 102-669, eff. 11-16-21; 103-595, eff. 6-26-24;
revised 10-23-24.)

Section 120. The Department of Human Services Act is
amended by changing Section 1-75 as follows:

(20 ILCS 1305/1-75)

(Section scheduled to be repealed on July 1, 2026)

Sec. 1-75. Off-Hours Child Care Program.

(a) Legislative intent. The General Assembly finds that:

(1) Finding child care can be a challenge for
firefighters, paramedics, police officers, nurses, and
other third shift workers across the State who often work
non-typical work hours. This can impact home life, school,
bedtime routines, job safety, and the mental health of
some of our most critical frontline ~~front-line~~ workers and
their families.

(2) There is a need for increased options for
off-hours child care in the State. A majority of the
State's child care facilities do not provide care outside
of normal work hours, with just 3,251 day care homes and
435 group day care homes that provide night care.

(3) Illinois has a vested interest in ensuring that
our first responders and working families can provide
their children with appropriate care during off hours to
improve the morale of existing first responders and to

1 improve recruitment into the future.

2 (b) As used in this Section, "first responders" means
3 emergency medical services personnel as defined in the
4 Emergency Medical Services (EMS) Systems Act, firefighters,
5 law enforcement officers, and, as determined by the
6 Department, any other workers who, on account of their work
7 schedule, need child care outside of the hours when licensed
8 child care facilities typically operate.

9 (c) Subject to appropriation, the Department of Human
10 Services shall establish and administer an Off-Hours Child
11 Care Program to help first responders and other workers
12 identify and access off-hours, night, or sleep time child
13 care. Services funded under the program must address the child
14 care needs of first responders. Funding provided under the
15 program may also be used to cover any capital and operating
16 expenses related to the provision of off-hours, night, or
17 sleep time child care for first responders. Funding awarded
18 under this Section shall be funded through appropriations from
19 the Off-Hours Child Care Program Fund created under subsection
20 (d). The Department shall implement the program by July 1,
21 2023. The Department may adopt any rules necessary to
22 implement the program.

23 (d) The Off-Hours Child Care Program Fund is created as a
24 special fund in the State treasury. The Fund shall consist of
25 any moneys appropriated to the Department of Human Services
26 for the Off-Hours Child Care Program. Moneys in the Fund shall

1 be expended for the Off-Hours Child Care Program and for no
2 other purpose. All interest earned on moneys in the Fund shall
3 be deposited into the Fund.

4 (e) This Section is repealed on July 1, 2026.

5 (Source: P.A. 102-912, eff. 5-27-22; 103-154, eff. 6-30-23;
6 103-594, eff. 6-25-24; revised 10-16-24.)

7 Section 125. The Department of Insurance Law of the Civil
8 Administrative Code of Illinois is amended by changing Section
9 1405-40 as follows:

10 (20 ILCS 1405/1405-40)

11 Sec. 1405-40. Transfer of functions.

12 (a) On July 1, 2021 (the effective date of Public Act
13 102-37), all powers, duties, rights, and responsibilities of
14 the Insurance Compliance Division within the Illinois Workers'
15 Compensation Commission are transferred to the Department of
16 Insurance. The personnel of the Insurance Compliance Division
17 are transferred to the Department of Insurance. The status and
18 rights of such personnel under the Personnel Code are not
19 affected by the transfer. The rights of the employees and the
20 State of Illinois and its agencies under the Personnel Code
21 and applicable collective bargaining agreements or under any
22 pension, retirement, or annuity plan are not affected by
23 Public Act 102-37. All books, records, papers, documents,
24 property (real and personal), contracts, causes of action, and

1 pending business pertaining to the powers, duties, rights, and
2 responsibilities transferred by Public Act 102-37 from the
3 Insurance Compliance Division to the Department of Insurance,
4 including, but not limited to, material in electronic or
5 magnetic format and necessary computer hardware and software,
6 are transferred to the Department of Insurance. The powers,
7 duties, rights, and responsibilities relating to the Insurance
8 Compliance Division transferred by Public Act 102-37 are
9 vested in the Department of Insurance.

10 (b) Whenever reports or notices are required to be made or
11 given or papers or documents furnished or served by any person
12 to or upon the Insurance Compliance Division in connection
13 with any of the powers, duties, rights, and responsibilities
14 transferred by Public Act 102-37, the Department of Insurance
15 shall make, give, furnish, or serve them.

16 (c) Public Act 102-37 does not affect any act done,
17 ratified, or canceled, any right occurring or established, or
18 any action or proceeding had or commenced in an
19 administrative, civil, or criminal cause by the Insurance
20 Compliance Division before July 1, 2021 (the effective date of
21 Public Act 102-37). Such actions or proceedings may be
22 prosecuted and continued by the Department of Insurance.

23 (d) Any rules that relate to its powers, duties, rights,
24 and responsibilities of the Insurance Compliance Division and
25 are in force on July 1, 2021 (the effective date of Public Act
26 102-37) become the rules of the Department of Insurance.

1 Public Act 102-37 does not affect the legality of any such
2 rules.

3 (e) Any proposed rules filed with the Secretary of State
4 by the Illinois Workers' Compensation Commission that are
5 pending in the rulemaking process on July 1, 2021 (the
6 effective date of Public Act 102-37) and pertain to the
7 transferred powers, duties, rights, and responsibilities are
8 deemed to have been filed by the Department of Insurance. As
9 soon as practicable, the Department of Insurance shall revise
10 and clarify the rules transferred to it under Public Act
11 102-37 ~~to~~ to reflect the reorganization of powers, duties,
12 rights, and responsibilities affected by Public Act 102-37,
13 using the procedures for recodification of rules available
14 under the Illinois Administrative Procedure Act, except that
15 existing title, part, and section numbering for the affected
16 rules may be retained. The Department of Insurance may propose
17 and adopt under the Illinois Administrative Procedure Act
18 other rules of the Illinois Workers' Compensation Commission
19 pertaining to Public Act 102-37 that are administered by the
20 Department of Insurance.

21 (Source: P.A. 102-37, eff. 7-1-21; 102-813, eff. 5-13-22;
22 revised 7-29-24.)

23 Section 130. The Department of Professional Regulation Law
24 of the Civil Administrative Code of Illinois is amended by
25 changing Sections 2105-370 and 2105-375 as follows:

1 (20 ILCS 2105/2105-370)

2 Sec. 2105-370. Continuing education; cultural competency.

3 (a) As used in this Section:

4 "Cultural competency" means a set of integrated attitudes,
5 knowledge, and skills that enables a health care professional
6 or organization to care effectively for patients from diverse
7 cultures, groups, and communities.

8 "Health care professional" means a person licensed or
9 registered by the Department under the following Acts: the
10 Medical Practice Act of 1987, the Nurse Practice Act, the
11 Clinical Psychologist Licensing Act, the Illinois Optometric
12 Practice Act of 1987, the Illinois Physical Therapy Act, the
13 Pharmacy Practice Act, the Physician Assistant Practice Act of
14 1987, the Clinical Social Work and Social Work Practice Act,
15 the Nursing Home Administrators Licensing and Disciplinary
16 Act, the Illinois Occupational Therapy Practice Act, the
17 Podiatric Medical Practice Act of 1987, the Respiratory Care
18 Practice Act, the Professional Counselor and Clinical
19 Professional Counselor Licensing and Practice Act, the
20 Illinois Speech-Language Pathology and Audiology Practice Act,
21 the Illinois Dental Practice Act, ~~the Illinois Dental Practice~~
22 ~~Act,~~ or the Behavior Analyst Licensing Act.

23 (b) For health care professional license or registration
24 renewals occurring on or after January 1, 2025, a health care
25 professional who has continuing education requirements must

1 complete at least a one-hour course in training on cultural
2 competency. A health care professional may count this one hour
3 for completion of this course toward meeting the minimum
4 credit hours required for continuing education.

5 (c) The Department may adopt rules for the implementation
6 of this Section.

7 (Source: P.A. 103-531, eff. 1-1-25; 103-605, eff. 7-1-24;
8 revised 12-1-24.)

9 (20 ILCS 2105/2105-375)

10 Sec. 2105-375. Limitation on specific statutorily mandated
11 training requirements.

12 (a) As used in this Section:

13 "Health care professional" means a person licensed or
14 registered by the Department under the following Acts: the
15 Medical Practice Act of 1987, the Nurse Practice Act, the
16 Clinical Psychologist Licensing Act, the Illinois Optometric
17 Practice Act of 1987, the Illinois Physical Therapy Act, the
18 Pharmacy Practice Act, the Physician Assistant Practice Act of
19 1987, the Clinical Social Work and Social Work Practice Act,
20 the Nursing Home Administrators Licensing and Disciplinary
21 Act, the Illinois Occupational Therapy Practice Act, the
22 Podiatric Medical Practice Act of 1987, the Respiratory Care
23 Practice Act, the Professional Counselor and Clinical
24 Professional Counselor Licensing and Practice Act, the
25 Illinois Speech-Language Pathology and Audiology Practice Act,

1 the Illinois Dental Practice Act, ~~the Illinois Dental Practice~~
2 ~~Act~~, or the Behavior Analyst Licensing Act.

3 "Statutorily mandated topics" means continuing education
4 training as specified by statute, including, but not limited
5 to, training required under Sections 2105-365 and 2105-370.

6 (b) Notwithstanding any other provision of law, for health
7 care professional license or registration renewals occurring
8 on or after January 1, 2025, a health care professional whose
9 license or registration renewal occurs every 2 years must
10 complete all statutorily mandated topics within 3 renewal
11 periods. If any additional statutorily mandated topics are
12 added by law after January 1, 2025 (the effective date of
13 Public Act 103-531) ~~this amendatory Act of the 103rd General~~
14 ~~Assembly~~, then a health care professional whose license or
15 registration renewal occurs every 2 years must complete all
16 statutorily mandated topics within 4 renewal periods.

17 (c) Notwithstanding any other provision of law, for health
18 care professional license or registration renewals occurring
19 on or after January 1, 2025, a health care professional whose
20 license or registration renewal occurs every 3 years must
21 complete all statutorily mandated topics within 2 renewal
22 periods. If any additional statutorily mandated topics are
23 added by law after January 1, 2025 (the effective date of
24 Public Act 103-531) ~~this amendatory Act of the 103rd General~~
25 ~~Assembly~~, then a health care professional whose license or
26 registration renewal occurs every 3 years must complete all

1 statutorily mandated topics within 3 renewal periods.

2 (d) Notwithstanding any other provision of this Section to
3 the contrary, the implicit bias awareness training required
4 under Section 2105-15.7 and the sexual harassment prevention
5 training required under Section 2105-15.5 must be completed as
6 provided by law.

7 (d-5) Notwithstanding any other provision of this Section
8 to the contrary, the Alzheimer's disease and other dementias
9 training required under Section 2105-365 must be completed
10 prior to the end of the health care professional's first
11 license renewal period, and thereafter in accordance with this
12 Section.

13 (e) The Department shall maintain on its website
14 information regarding the current requirements for the
15 specific statutorily mandated topics.

16 (f) Each license or permit application or renewal form the
17 Department provides to a health care professional must include
18 a notification regarding the current specific statutorily
19 mandated topics.

20 (Source: P.A. 103-531, eff. 1-1-25; revised 12-1-24.)

21 Section 135. The Department of Public Health Powers and
22 Duties Law of the Civil Administrative Code of Illinois is
23 amended by changing Section 2310-347 and by setting forth,
24 renumbering, and changing multiple versions of Section
25 2310-730 as follows:

1 (20 ILCS 2310/2310-347)

2 Sec. 2310-347. The Carolyn Adams Ticket For The Cure
3 Board.

4 (a) The Carolyn Adams Ticket For The Cure Board is created
5 as an advisory board within the Department. Until 30 days
6 after July 11, 2011 (the effective date of Public Act 97-92)
7 ~~this amendatory Act of the 97th General Assembly~~, the Board
8 may consist of 10 members as follows: 2 members appointed by
9 the President of the Senate; 2 members appointed by the
10 Minority Leader of the Senate; 2 members appointed by the
11 Speaker of the House of Representatives; 2 members appointed
12 by the Minority Leader of the House of Representatives; and 2
13 members appointed by the Governor with the advice and consent
14 of the Senate, one of whom shall be designated as chair of the
15 Board at the time of appointment.

16 (a-5) Notwithstanding any provision of this Article to the
17 contrary, the term of office of each current Board member ends
18 30 days after July 11, 2011 (the effective date of Public Act
19 97-92) ~~this amendatory Act of the 97th General Assembly~~ or
20 when his or her successor is appointed and qualified,
21 whichever occurs sooner. No later than 30 days after July 11,
22 2011 (the effective date of Public Act 97-92) ~~this amendatory~~
23 ~~Act of the 97th General Assembly~~, the Board shall consist of 10
24 newly appointed members. Four of the Board members shall be
25 members of the General Assembly and appointed as follows: one

1 member appointed by the President of the Senate; one member
2 appointed by the Minority Leader of the Senate; one member
3 appointed by the Speaker of the House of Representatives; and
4 one member appointed by the Minority Leader of the House of
5 Representatives.

6 Six of the Board members shall be appointed by the
7 Director of the Department of Public Health, who shall
8 designate one of these appointed members as chair of the Board
9 at the time of his or her appointment. These 6 members
10 appointed by the Director shall reflect the population with
11 regard to ethnic, racial, and geographical composition and
12 shall include the following individuals: one breast cancer
13 survivor; one physician specializing in breast cancer or
14 related medical issues; one breast cancer researcher; one
15 representative from a breast cancer organization; one
16 individual who operates a patient navigation program at a
17 major hospital or health system; and one breast cancer
18 professional that may include, but not be limited to, a
19 genetics counselor, a social worker, a dietitian ~~detain~~, an
20 occupational therapist, or a nurse.

21 A Board member whose term has expired may continue to
22 serve until a successor is appointed.

23 (b) Board members shall serve without compensation but may
24 be reimbursed for their reasonable travel expenses incurred in
25 performing their duties from funds available for that purpose.
26 The Department shall provide staff and administrative support

1 services to the Board.

2 (c) The Board may advise:

3 (i) the Department of Revenue in designing and
4 promoting the Carolyn Adams Ticket For The Cure special
5 instant scratch-off lottery game;

6 (ii) the Department in reviewing grant applications;
7 and

8 (iii) the Director on the final award of grants from
9 amounts appropriated from the Carolyn Adams Ticket For The
10 Cure Grant Fund, to public or private entities in Illinois
11 that reflect the population with regard to ethnic, racial,
12 and geographic composition for the purpose of funding
13 breast cancer research and supportive services for breast
14 cancer survivors and those impacted by breast cancer and
15 breast cancer education. In awarding grants, the
16 Department shall consider criteria that includes, but is
17 not limited to, projects and initiatives that address
18 disparities in incidence and mortality rates of breast
19 cancer, based on data from the Illinois Cancer Registry,
20 and populations facing barriers to care in accordance with
21 Section 21.5 of the Illinois Lottery Law.

22 (c-5) The Department shall submit a report to the Governor
23 and the General Assembly by December 31 of each year. The
24 report shall provide a summary of the Carolyn Adams Ticket for
25 the Cure lottery ticket sales, grants awarded, and the
26 accomplishments of the grantees.

1 (d) The Board is discontinued on June 30, 2027.

2 (Source: P.A. 102-1129, eff. 2-10-23; revised 10-24-24.)

3 (20 ILCS 2310/2310-730)

4 Sec. 2310-730. Health care telementoring.

5 (a) Subject to appropriation, the Department shall
6 designate one or more health care telementoring entities based
7 on an application to be developed by the Department.
8 Applicants shall demonstrate a record of expertise and
9 demonstrated success in providing health care telementoring
10 services. The Department may adopt rules necessary for the
11 implementation of this Section. Funding may be provided based
12 on the number of health care providers or professionals who
13 are assisted by each approved health care telementoring entity
14 and the hours of assistance provided to each health care
15 provider or professional in addition to other factors as
16 determined by the Director.

17 (b) In this Section:

18 "Health care providers or professionals" means individuals
19 trained to provide health care or related services. "Health
20 care providers or professionals" includes, but is not limited
21 to, physicians, nurses, physician assistants, speech language
22 pathologists, social workers, and school personnel involved in
23 screening for targeted conditions and providing support to
24 students impacted by those conditions.

25 "Health care telementoring" means a program:

1 (1) that is based on interactive video or phone
2 technology that connects groups of local health care
3 providers or professionals in urban and rural underserved
4 areas with specialists in regular real-time collaborative
5 sessions;

6 (2) that is designed around case-based learning and
7 mentorship; and

8 (3) that helps local health care providers or
9 professionals gain the expertise required to more
10 effectively provide needed services.

11 "Health care telementoring" includes, but is not limited
12 to, a program provided to improve services in one or more of a
13 variety of areas, including, but not limited to, chronic
14 disease, communicable disease, atypical vision or hearing,
15 adolescent health, Hepatitis C, complex diabetes, geriatrics,
16 mental illness, opioid use disorders, substance use disorders,
17 maternity care, childhood adversity and trauma, pediatric
18 ADHD, congregate settings, including justice-involved ~~justice~~
19 ~~involved~~ systems, and other priorities identified by the
20 Department.

21 (Source: P.A. 103-588, eff. 6-5-24; revised 9-27-24.)

22 (20 ILCS 2310/2310-731)

23 Sec. 2310-731 ~~2310-730~~. Diversity in clinical trials.

24 (a) As used in this Section, "underrepresented community"
25 or "underrepresented demographic group" means a community or

1 demographic group that is more likely to be historically
2 marginalized and less likely to be included in research and
3 clinical trials represented by race, ethnicity, sex, sexual
4 orientation, socioeconomic status, age, and geographic
5 location.

6 (b) Any State entity or hospital that receives funding
7 from the National Institutes of Health for the purpose of
8 conducting clinical trials of drugs or medical devices is
9 required to:

10 (1) adopt a policy that will result in the
11 identification and recruitment of persons who are members
12 of underrepresented demographic groups to participate in
13 the clinical trials and that:

14 (A) includes specific strategies for trial
15 enrollment and retention of diverse participants,
16 including, but not limited to, site location and
17 access, sustained community engagement, and reducing
18 burdens due to trial design or conduct, as
19 appropriate; and

20 (B) uses strategies recommended by the United
21 States Food and Drug Administration to identify and
22 recruit those persons to participate in the clinical
23 trials;

24 (2) provide information to trial participants in
25 languages other than English in accordance with current
26 federal requirements;

1 (3) provide translation services or bilingual staff
2 for trial recruitment and consent processes;

3 (4) provide culturally specific recruitment materials
4 alongside general enrollment materials; and

5 (5) provide remote consent options when not prohibited
6 by the granting entity or federal regulations.

7 (c) The Department, through voluntary reporting from
8 research institutions and in consultation with community-based
9 organizations and other stakeholders as appropriate and
10 available, shall analyze and provide recommendations on the
11 following:

12 (1) the demographic groups and populations that are
13 currently represented and underrepresented in clinical
14 trials in Illinois, including representation of groups
15 based on their geographic location;

16 (2) the barriers that prevent persons who are members
17 of underrepresented demographic groups from participating
18 in clinical trials in Illinois, including barriers related
19 to transportation; and

20 (3) approaches for how clinical trials can
21 successfully partner with community-based organizations
22 and others to provide outreach to underrepresented
23 communities.

24 By July 1, 2026, the Department shall issue a report and
25 post on its website the results of the analysis required under
26 this subsection and any recommendations to increase diversity

1 and reduce barriers for participants in clinical trials.

2 (d) The Department shall review the most recent guidance
3 on race and ethnicity data collection in clinical trials
4 published by the United States Food and Drug Administration
5 and establish, using existing infrastructure and tools an
6 Internet website that:

7 (1) provides information concerning methods recognized
8 by the United States Food and Drug Administration for
9 identifying and recruiting persons who are members of
10 underrepresented demographic groups to participate in
11 clinical trials; and

12 (2) contains links to Internet websites maintained by
13 medical facilities, health authorities and other local
14 governmental entities, nonprofit organizations, and
15 scientific investigators and institutions that are
16 performing research relating to drugs or medical devices
17 in this State.

18 The Department may apply for grants from any source,
19 including, without limitation, the Federal Government, to fund
20 the requirements of this Section.

21 (Source: P.A. 103-860, eff. 1-1-25; revised 12-1-24.)

22 (20 ILCS 2310/2310-732)

23 Sec. 2310-732 ~~2310-730~~. Duchenne Muscular Dystrophy
24 Awareness Program.

25 (a) Subject to appropriation, the Department of Public

1 Health, in conjunction with experts in the field of Duchenne
2 muscular dystrophy, shall develop mandatory protocols and best
3 practices for providing the necessary medical guidance for
4 Duchenne muscular dystrophy in Illinois.

5 (b) To raise awareness about Duchenne muscular dystrophy,
6 the protocols and best practices developed by the Department
7 under subsection (a):

8 (1) shall be published on a designated and publicly
9 accessible webpage;

10 (2) shall include up-to-date information about
11 Duchenne muscular dystrophy;

12 (3) shall reference peer-reviewed scientific research
13 articles;

14 (4) shall incorporate guidance and recommendations
15 from the National Institutes of Health, and any other
16 persons or entities determined by the Department to have
17 particular expertise in Duchenne muscular dystrophy; and

18 (5) shall be distributed to physicians, other health
19 care professionals and providers, and persons subject to
20 Duchenne muscular dystrophy.

21 (c) The Department shall prepare a report of all efforts
22 undertaken by the Department under this Section. The report
23 shall be posted on the Department's website and distributed to
24 local health departments and to any other facilities as
25 determined by the Department.

26 (Source: P.A. 103-964, eff. 1-1-25; revised 12-1-24.)

1 Section 140. The Bureau for the Blind Act is amended by
2 changing Section 7 as follows:

3 (20 ILCS 2410/7) (from Ch. 23, par. 3417)

4 Sec. 7. Council. There shall be created within the
5 Department a Blind Services Planning Council which shall
6 review the actions of the Bureau for the Blind and provide
7 advice and consultation to the Secretary on services to blind
8 people. The Council shall be composed of 11 members appointed
9 by the Governor. All members shall be selected because of
10 their ability to provide worthwhile consultation or services
11 to the blind. No fewer than 6 members shall be blind. A
12 relative balance between the number of males and females shall
13 be maintained. Broad representation shall be sought by
14 appointment, with 2 members from each of the major statewide
15 consumer organizations of the blind and one member from a
16 specific service area including, but not limited to, the
17 Hadley School for the Blind, Chicago Lighthouse,
18 Department-approved Low Vision Aids ~~Aides~~ Clinics, Vending
19 Facilities Operators, the Association for the Education and
20 Rehabilitation of the Blind and Visually Impaired (AER), blind
21 homemakers, outstanding competitive employers of blind people,
22 providers and recipients of income maintenance programs,
23 in-home care programs, subsidized housing, nursing homes, and
24 homes for the blind.

1 Initially, 4 members shall be appointed for terms of one
2 year, 4 for terms of 2 years, and 3 for terms of 3 years with a
3 partial term of 18 months or more counting as a full term.
4 Subsequent terms shall be 3 years each. No member shall serve
5 more than 2 terms. No Department employee shall be a member of
6 the Council.

7 Members shall be removed for cause, including, but not
8 limited to, demonstrated incompetence, unethical behavior, and
9 unwillingness or inability to serve.

10 Members shall serve without pay but shall be reimbursed
11 for actual expenses incurred in the performance of their
12 duties.

13 Members shall be governed by appropriate and applicable
14 State and federal statutes and regulations on matters such as
15 ethics, confidentiality, freedom of information, travel, and
16 civil rights.

17 Department staff may attend meetings but shall not be a
18 voting member of the Council. The Council shall elect a
19 chairperson and a recording secretary from among its number.
20 Sub-committees and ad hoc committees may be created to
21 concentrate on specific program components or initiative
22 areas.

23 The Council shall perform the following functions:

24 (a) Facilitate ~~facilitate~~ communication and
25 cooperative efforts between the Department and all
26 agencies which have any responsibility to deliver services

1 to blind and visually impaired persons.

2 (b) Identify ~~identify~~ needs and problems related to
3 blind and visually impaired persons, including children,
4 adults, and seniors, and make recommendations to the
5 Secretary, Bureau Director, and Governor.

6 (c) Recommend ~~recommend~~ programmatic and fiscal
7 priorities governing the provision of services and
8 awarding of grants or contracts by the Department to any
9 person or agency, public or private.

10 (d) Conduct ~~conduct~~, encourage, and advise independent
11 research by qualified evaluators to improve services to
12 blind and visually impaired persons, including those with
13 multiple disabilities.

14 (e) Participate ~~participate~~ in the development and
15 review of proposed and amended rules and regulations of
16 the Department relating to services for the blind and
17 visually impaired.

18 (f) Review ~~review~~ and comment on all budgets (drafted
19 and submitted) relating to services for blind and visually
20 impaired persons.

21 (g) Promote ~~promote~~ policies and programs to educate
22 the public and elicit public support for services to blind
23 and visually impaired persons.

24 (h) Encourage ~~encourage~~ creative and innovative
25 programs to strengthen, expand, and improve services for
26 blind and visually impaired persons, including outreach

1 services.

2 (i) Perform ~~perform~~ such other duties as may be
3 required by the Governor, Secretary, and Bureau Director.

4 The Council shall supersede and replace all advisory
5 committees now functioning within the Bureau of Rehabilitation
6 Services for the Blind, with the exception of federally
7 mandated advisory groups.

8 (Source: P.A. 99-143, eff. 7-27-15; revised 7-18-24.)

9 Section 145. The Department of Revenue Law of the Civil
10 Administrative Code of Illinois is amended by setting forth
11 and renumbering multiple versions of Section 2505-815 as
12 follows:

13 (20 ILCS 2505/2505-815)

14 Sec. 2505-815. County Official Compensation Task Force.

15 (a) The County Official Compensation Task Force is created
16 to review the compensation of county-level officials as
17 provided for in various State statutes and to make
18 recommendations to the General Assembly on any appropriate
19 changes to those statutes, including implementation dates.

20 (b) The members of the Task Force shall be as follows:

21 (1) the Director of Revenue or the Director's
22 designee, who shall serve as the chair of the Task Force;

23 (2) two representatives from a statewide organization
24 that represents chief county assessment officers, with one

1 representative from a county with a 2020 population of
2 fewer than 25,000 persons and one representative from a
3 county with a 2020 population of 25,000 or more, to be
4 appointed by the Director of Revenue;

5 (3) two representatives from a statewide organization
6 that represents county auditors, with one representative
7 from a county with a 2020 population of fewer than 25,000
8 persons and one representative from a county with a 2020
9 population of 25,000 or more, to be appointed by the
10 Director of Revenue;

11 (4) two representatives from a statewide organization
12 that represents county clerks and recorders, with one
13 representative from a county with a 2020 population of
14 fewer than 25,000 persons and one representative from a
15 county with a 2020 population of 25,000 or more, to be
16 appointed by the Director of Revenue;

17 (5) two representatives from a statewide organization
18 that represents circuit clerks, with one representative
19 from a county with a 2020 population of fewer than 25,000
20 persons and one representative from a county with a 2020
21 population of 25,000 or more, to be appointed by the Chief
22 Justice of the Supreme Court;

23 (6) two representatives from a statewide organization
24 that represents county treasurers, with one representative
25 from a county with a 2020 population of fewer than 25,000
26 persons and one representative from a county with a 2020

1 population of 25,000 or more, to be appointed by the
2 Director of Revenue;

3 (7) four representatives from a statewide organization
4 that represents county board members, with 2
5 representatives from counties with a 2020 population of
6 fewer than 25,000 persons and 2 representatives from
7 counties with a 2020 population of 25,000 or more, to be
8 appointed by the Governor; and

9 (8) four members from the General Assembly, with one
10 member appointed by the President of the Senate, one
11 member appointed by the Senate Minority Leader, one member
12 appointed by the Speaker of the House of Representatives,
13 and one member appointed by the House Minority Leader.

14 (c) The Department of Revenue shall provide administrative
15 and other support to the Task Force.

16 (d) The Task Force's review shall include, but is not
17 limited to, the following subjects:

18 (1) a review and comparison of current statutory
19 provisions and requirements for compensation of
20 county-level officials;

21 (2) the proportion of salary and related costs borne
22 by State government compared to local government;

23 (3) job duties, education requirements, and other
24 requirements of those serving as county-level officials;
25 and

26 (4) current compensation levels for county-level

1 officials as compared to comparable positions in
2 non-governmental positions and comparable positions in
3 other levels of government.

4 (e) On or before September 1, 2024, the Task Force members
5 shall be appointed. On or before February 1, 2025, the Task
6 Force shall prepare a status report that summarizes its work.
7 The Task Force shall also prepare a comprehensive report
8 either (i) on or before May 1, 2025 or (ii) on or before
9 December 31, 2025, if all appointments to the Task Force are
10 not made by September 1, 2024. The comprehensive report shall
11 summarize the Task Force's findings and make recommendations
12 on the implementation of changes to the compensation of chief
13 county assessment officers, county auditors, county clerks and
14 recorders, county coroners, county treasurers, and circuit
15 clerks that will ensure compensation is competitive for
16 recruitment and retention and will ensure parity exists among
17 compensation levels within each profession, each county, and
18 across the State.

19 (f) The Task Force is dissolved on January 1, 2026.

20 (Source: P.A. 103-592, eff. 6-7-24.)

21 (20 ILCS 2505/2505-816)

22 (Section scheduled to be repealed on December 31, 2026)

23 Sec. 2505-816 ~~2505-815~~. Property tax system study. The
24 Department, in consultation with the Department of Commerce
25 and Economic Opportunity, shall conduct a study to evaluate

1 the property tax system in the State and shall analyze any
2 information collected in connection with that study. The
3 Department may also examine whether the existing property tax
4 levy, assessment, appeal, and collection process is reasonable
5 and fair and may issue recommendations to improve that
6 process. For purposes of conducting the study and analyzing
7 the data required under this Section, the Department may
8 determine the scope of the historical data necessary to
9 complete the study, but in no event shall the scope or time
10 period be less than the 10 most recent tax years for which the
11 Department has complete data. The study shall include, but
12 need not be limited to, the following:

13 (1) a comprehensive review of the classification
14 system used by Cook County in assessing real property in
15 Cook County compared with the rest of the State,
16 including, but not limited to, a projection of the impact,
17 if any, that the assessment of real property in Cook
18 County would exhibit if the classification system were to
19 be phased-out and transitioned to a uniform level of
20 assessment, and the impact, if any, that the Cook County
21 classification system has or has had on economic
22 development or job creation in the county;

23 (2) a comprehensive review of State laws concerning
24 the appeal of assessments at the local and State level and
25 State laws concerning the collection of property taxes,
26 including any issues that have resulted in delays in

1 issuing property tax bills;

2 (3) a comprehensive review of statewide assessment
3 processes, including a comparison of assessment process in
4 Cook County and other counties and practices in other
5 states that allow for standardized assessment processes;

6 (4) a comprehensive review of current property tax
7 homestead exemptions, the impact of those exemptions, and
8 the administration or application of those exemptions;

9 (5) an analysis of preferential assessments or
10 incentives, including, but not limited to, the resultant
11 economic impact from preferential assessments; and

12 (6) a review of the State's reliance on property taxes
13 and the historical growth in property tax levies.

14 The Department may consult with Illinois institutions of
15 higher education in conducting the study required under this
16 Section. The Department may also consult with units of local
17 government. To the extent practicable and where applicable,
18 the Department may request relevant, publicly available
19 property tax information from units of local government,
20 including counties and municipalities, that is deemed
21 necessary to complete the study required pursuant to this
22 Section. Units of local government that are required to submit
23 property tax information to the Department must do so in a
24 reasonably expedient manner, to the extent possible, but in no
25 event later than 60 days after the date upon which the
26 Department requests that relevant information.

1 The Department may complete a preliminary report that may
2 be made available for public inspection via electronic means
3 prior to the publication of the final report under this
4 Section. The Department shall complete and submit the final
5 report under this Section to the Governor and the General
6 Assembly by July 1, 2026. A copy of both the preliminary
7 report, if made available by the Department, and the final
8 report shall be made available to the public via electronic
9 means. The Department may allow for the submission of public
10 comments from individuals, organizations, or associations
11 representing residential property owners, commercial property
12 owners, units of local government, or labor unions in Illinois
13 prior to finalizing the final report under this Section and
14 after publication of the final report under this Section. If
15 the Department allows for the submission of public comments,
16 the Department shall publish via electronic means any and all
17 materials submitted to the Department.

18 This Section is repealed on December 31, 2026.
19 (Source: P.A. 103-1002, eff. 1-1-25; revised 12-1-24.)

20 Section 150. The Illinois State Police Law of the Civil
21 Administrative Code of Illinois is amended by changing Section
22 2605-51 as follows:

23 (20 ILCS 2605/2605-51)

24 Sec. 2605-51. Division of the Academy and Training.

1 (a) The Division of the Academy and Training shall
2 exercise, but not be limited to, the following functions:

3 (1) Oversee and operate the Illinois State Police
4 Training Academy.

5 (2) Train and prepare new officers for a career in law
6 enforcement, with innovative, quality training and
7 educational practices.

8 (3) Offer continuing training and educational programs
9 for Illinois State Police employees.

10 (4) Oversee the Illinois State Police's recruitment
11 initiatives.

12 (5) Oversee and operate the Illinois State Police's
13 quartermaster.

14 (6) Duties assigned to the Illinois State Police in
15 Article 5, Chapter 11 of the Illinois Vehicle Code
16 concerning testing and training officers on the detection
17 of impaired driving.

18 (7) Duties assigned to the Illinois State Police in
19 Article 108B of the Code of Criminal Procedure.

20 (a-5) Successful completion of the Illinois State Police
21 Academy satisfies the minimum standards pursuant to
22 subsections (a), (b), and (d) of Section 7 of the Illinois
23 Police Training Act and exempts State police officers from the
24 Illinois Law Enforcement Training Standards Board's State
25 Comprehensive Examination and Equivalency Examination.
26 Satisfactory completion shall be evidenced by a commission or

1 certificate issued to the officer.

2 (b) The Division of the Academy and Training shall
3 exercise the rights, powers, and duties vested in the former
4 Division of State Troopers by Section 17 of the Illinois State
5 Police Act.

6 (c) Specialized training.

7 (1) Training; cultural diversity. The Division of the
8 Academy and Training shall provide training and continuing
9 education to State police officers concerning cultural
10 diversity, including sensitivity toward racial and ethnic
11 differences. This training and continuing education shall
12 include, but not be limited to, an emphasis on the fact
13 that the primary purpose of enforcement of the Illinois
14 Vehicle Code is safety and equal and uniform enforcement
15 under the law.

16 (2) Training; death and homicide investigations. The
17 Division of the Academy and Training shall provide
18 training in death and homicide investigation for State
19 police officers. Only State police officers who
20 successfully complete the training may be assigned as lead
21 investigators in death and homicide investigations.
22 Satisfactory completion of the training shall be evidenced
23 by a certificate issued to the officer by the Division of
24 the Academy and Training. The Director shall develop a
25 process for waiver applications for officers whose prior
26 training and experience as homicide investigators may

1 qualify them for a waiver. The Director may issue a
2 waiver, at his or her discretion, based solely on the
3 prior training and experience of an officer as a homicide
4 investigator.

5 (A) The Division shall require all homicide
6 investigator training to include instruction on
7 victim-centered, trauma-informed investigation. This
8 training must be implemented by July 1, 2023.

9 (B) The Division shall cooperate with the Division
10 of Criminal Investigation to develop a model
11 curriculum on victim-centered, trauma-informed
12 investigation. This curriculum must be implemented by
13 July 1, 2023.

14 (3) Training; police dog training standards. All
15 police dogs used by the Illinois State Police for drug
16 enforcement purposes pursuant to the Cannabis Control Act,
17 the Illinois Controlled Substances Act, and the
18 Methamphetamine Control and Community Protection Act shall
19 be trained by programs that meet the certification
20 requirements set by the Director or the Director's
21 designee. Satisfactory completion of the training shall be
22 evidenced by a certificate issued by the Division of the
23 Academy and Training.

24 (4) Training; post-traumatic stress disorder. The
25 Division of the Academy and Training shall conduct or
26 approve a training program in post-traumatic stress

1 disorder for State police officers. The purpose of that
2 training shall be to equip State police officers to
3 identify the symptoms of post-traumatic stress disorder
4 and to respond appropriately to individuals exhibiting
5 those symptoms.

6 (5) Training; opioid antagonists. The Division of the
7 Academy and Training shall conduct or approve a training
8 program for State police officers in the administration of
9 opioid antagonists as defined in paragraph (1) of
10 subsection (e) of Section 5-23 of the Substance Use
11 Disorder Act that is in accordance with that Section. As
12 used in this Section, "State police officers" includes
13 full-time or part-time State police officers,
14 investigators, and any other employee of the Illinois
15 State Police exercising the powers of a peace officer.

16 (6) Training; sexual assault and sexual abuse.

17 (A) Every 3 years, the Division of the Academy and
18 Training shall present in-service training on sexual
19 assault and sexual abuse response and report writing
20 training requirements, including, but not limited to,
21 the following:

22 (i) recognizing the symptoms of trauma;

23 (ii) understanding the role trauma has played
24 in a victim's life;

25 (iii) responding to the needs and concerns of
26 a victim;

1 (iv) delivering services in a compassionate,
2 sensitive, and nonjudgmental manner;

3 (v) interviewing techniques in accordance with
4 the curriculum standards in this paragraph (6);

5 (vi) understanding cultural perceptions and
6 common myths of sexual assault and sexual abuse;
7 and

8 (vii) report writing techniques in accordance
9 with the curriculum standards in this paragraph
10 (6).

11 (B) This training must also be presented in all
12 full and part-time basic law enforcement academies.

13 (C) Instructors providing this training shall have
14 successfully completed training on evidence-based,
15 trauma-informed, victim-centered responses to cases of
16 sexual assault and sexual abuse and have experience
17 responding to sexual assault and sexual abuse cases.

18 (D) The Illinois State Police shall adopt rules,
19 in consultation with the Office of the Attorney
20 General and the Illinois Law Enforcement Training
21 Standards Board, to determine the specific training
22 requirements for these courses, including, but not
23 limited to, the following:

24 (i) evidence-based curriculum standards for
25 report writing and immediate response to sexual
26 assault and sexual abuse, including

1 trauma-informed, victim-centered interview
2 techniques, which have been demonstrated to
3 minimize retraumatization, for all State police
4 officers; and

5 (ii) evidence-based curriculum standards for
6 trauma-informed, victim-centered investigation
7 and interviewing techniques, which have been
8 demonstrated to minimize retraumatization, for
9 cases of sexual assault and sexual abuse for all
10 State police officers who conduct sexual assault
11 and sexual abuse investigations.

12 (7) Training; human trafficking. The Division of the
13 Academy and Training shall conduct or approve a training
14 program in the detection and investigation of all forms of
15 human trafficking, including, but not limited to,
16 involuntary servitude under subsection (b) of Section 10-9
17 of the Criminal Code of 2012, involuntary sexual servitude
18 of a minor under subsection (c) of Section 10-9 of the
19 Criminal Code of 2012, and trafficking in persons under
20 subsection (d) of Section 10-9 of the Criminal Code of
21 2012. This program shall be made available to all cadets
22 and State police officers.

23 (8) Training; hate crimes. The Division of the Academy
24 and Training shall provide training for State police
25 officers in identifying, responding to, and reporting all
26 hate crimes.

1 (9) Training; cell phone medical information. The
2 Division of the Academy and Training shall develop and
3 require each State police officer to complete training on
4 accessing and utilizing medical information stored in cell
5 phones. The Division may use the program approved under
6 Section 2310-711 of the Department of Public Health Powers
7 and Duties Law of the Civil Administrative Code of
8 Illinois to develop the Division's program.

9 (10) ~~(9)~~ Training; autism spectrum disorders. The
10 Division of the Academy and Training shall provide
11 training for State police officers on the nature of autism
12 spectrum disorders and in identifying and appropriately
13 responding to individuals with autism spectrum disorders.
14 The Illinois State Police shall review the training
15 curriculum and may consult with the Department of Public
16 Health or the Department of Human Services to update the
17 training curriculum as needed. This training shall be made
18 available to all cadets and State police officers.

19 (d) The Division of the Academy and Training shall
20 administer and conduct a program consistent with 18 U.S.C.
21 926B and 926C for qualified active and retired Illinois State
22 Police officers.

23 (Source: P.A. 102-538, eff. 8-20-21; 102-756, eff. 5-10-22;
24 102-813, eff. 5-13-22; 103-34, eff. 1-1-24; 103-939, eff.
25 1-1-25; 103-949, eff. 1-1-25; revised 11-26-24.)

1 Section 155. The Criminal Identification Act is amended by
2 changing Section 5.2 as follows:

3 (20 ILCS 2630/5.2)

4 Sec. 5.2. Expungement, sealing, and immediate sealing.

5 (a) General Provisions.

6 (1) Definitions. In this Act, words and phrases have
7 the meanings set forth in this subsection, except when a
8 particular context clearly requires a different meaning.

9 (A) The following terms shall have the meanings
10 ascribed to them in the following Sections of the
11 Unified Code of Corrections:

12 Business Offense, Section 5-1-2.

13 Charge, Section 5-1-3.

14 Court, Section 5-1-6.

15 Defendant, Section 5-1-7.

16 Felony, Section 5-1-9.

17 Imprisonment, Section 5-1-10.

18 Judgment, Section 5-1-12.

19 Misdemeanor, Section 5-1-14.

20 Offense, Section 5-1-15.

21 Parole, Section 5-1-16.

22 Petty Offense, Section 5-1-17.

23 Probation, Section 5-1-18.

24 Sentence, Section 5-1-19.

25 Supervision, Section 5-1-21.

1 Victim, Section 5-1-22.

2 (B) As used in this Section, "charge not initiated
3 by arrest" means a charge (as defined by Section 5-1-3
4 of the Unified Code of Corrections) brought against a
5 defendant where the defendant is not arrested prior to
6 or as a direct result of the charge.

7 (C) "Conviction" means a judgment of conviction or
8 sentence entered upon a plea of guilty or upon a
9 verdict or finding of guilty of an offense, rendered
10 by a legally constituted jury or by a court of
11 competent jurisdiction authorized to try the case
12 without a jury. An order of supervision successfully
13 completed by the petitioner is not a conviction. An
14 order of qualified probation (as defined in subsection
15 (a)(1)(J)) successfully completed by the petitioner is
16 not a conviction. An order of supervision or an order
17 of qualified probation that is terminated
18 unsatisfactorily is a conviction, unless the
19 unsatisfactory termination is reversed, vacated, or
20 modified and the judgment of conviction, if any, is
21 reversed or vacated.

22 (D) "Criminal offense" means a petty offense,
23 business offense, misdemeanor, felony, or municipal
24 ordinance violation (as defined in subsection
25 (a)(1)(H)). As used in this Section, a minor traffic
26 offense (as defined in subsection (a)(1)(G)) shall not

1 be considered a criminal offense.

2 (E) "Expunge" means to physically destroy the
3 records or return them to the petitioner and to
4 obliterate the petitioner's name from any official
5 index or public record, or both. Nothing in this Act
6 shall require the physical destruction of the circuit
7 court file, but such records relating to arrests or
8 charges, or both, ordered expunged shall be impounded
9 as required by subsections (d)(9)(A)(ii) and
10 (d)(9)(B)(ii).

11 (F) As used in this Section, "last sentence" means
12 the sentence, order of supervision, or order of
13 qualified probation (as defined by subsection
14 (a)(1)(J)), for a criminal offense (as defined by
15 subsection (a)(1)(D)) that terminates last in time in
16 any jurisdiction, regardless of whether the petitioner
17 has included the criminal offense for which the
18 sentence or order of supervision or qualified
19 probation was imposed in his or her petition. If
20 multiple sentences, orders of supervision, or orders
21 of qualified probation terminate on the same day and
22 are last in time, they shall be collectively
23 considered the "last sentence" regardless of whether
24 they were ordered to run concurrently.

25 (G) "Minor traffic offense" means a petty offense,
26 business offense, or Class C misdemeanor under the

1 Illinois Vehicle Code or a similar provision of a
2 municipal or local ordinance.

3 (G-5) "Minor Cannabis Offense" means a violation
4 of Section 4 or 5 of the Cannabis Control Act
5 concerning not more than 30 grams of any substance
6 containing cannabis, provided the violation did not
7 include a penalty enhancement under Section 7 of the
8 Cannabis Control Act and is not associated with an
9 arrest, conviction or other disposition for a violent
10 crime as defined in subsection (c) of Section 3 of the
11 Rights of Crime Victims and Witnesses Act.

12 (H) "Municipal ordinance violation" means an
13 offense defined by a municipal or local ordinance that
14 is criminal in nature and with which the petitioner
15 was charged or for which the petitioner was arrested
16 and released without charging.

17 (I) "Petitioner" means an adult or a minor
18 prosecuted as an adult who has applied for relief
19 under this Section.

20 (J) "Qualified probation" means an order of
21 probation under Section 10 of the Cannabis Control
22 Act, Section 410 of the Illinois Controlled Substances
23 Act, Section 70 of the Methamphetamine Control and
24 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
25 of the Unified Code of Corrections, Section
26 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as

1 those provisions existed before their deletion by
2 Public Act 89-313), Section 10-102 of the Illinois
3 Alcoholism and Other Drug Dependency Act, Section
4 40-10 of the Substance Use Disorder Act, or Section 10
5 of the Steroid Control Act. For the purpose of this
6 Section, "successful completion" of an order of
7 qualified probation under Section 10-102 of the
8 Illinois Alcoholism and Other Drug Dependency Act and
9 Section 40-10 of the Substance Use Disorder Act means
10 that the probation was terminated satisfactorily and
11 the judgment of conviction was vacated.

12 (K) "Seal" means to physically and electronically
13 maintain the records, unless the records would
14 otherwise be destroyed due to age, but to make the
15 records unavailable without a court order, subject to
16 the exceptions in Sections 12 and 13 of this Act. The
17 petitioner's name shall also be obliterated from the
18 official index required to be kept by the circuit
19 court clerk under Section 16 of the Clerks of Courts
20 Act, but any index issued by the circuit court clerk
21 before the entry of the order to seal shall not be
22 affected.

23 (L) "Sexual offense committed against a minor"
24 includes, but is not limited to, the offenses of
25 indecent solicitation of a child or criminal sexual
26 abuse when the victim of such offense is under 18 years

1 of age.

2 (M) "Terminate" as it relates to a sentence or
3 order of supervision or qualified probation includes
4 either satisfactory or unsatisfactory termination of
5 the sentence, unless otherwise specified in this
6 Section. A sentence is terminated notwithstanding any
7 outstanding financial legal obligation.

8 (2) Minor Traffic Offenses. Orders of supervision or
9 convictions for minor traffic offenses shall not affect a
10 petitioner's eligibility to expunge or seal records
11 pursuant to this Section.

12 (2.5) Commencing 180 days after July 29, 2016 (the
13 effective date of Public Act 99-697), the law enforcement
14 agency issuing the citation shall automatically expunge,
15 on or before January 1 and July 1 of each year, the law
16 enforcement records of a person found to have committed a
17 civil law violation of subsection (a) of Section 4 of the
18 Cannabis Control Act or subsection (c) of Section 3.5 of
19 the Drug Paraphernalia Control Act in the law enforcement
20 agency's possession or control and which contains the
21 final satisfactory disposition which pertain to the person
22 issued a citation for that offense. The law enforcement
23 agency shall provide by rule the process for access,
24 review, and to confirm the automatic expungement by the
25 law enforcement agency issuing the citation. Commencing
26 180 days after July 29, 2016 (the effective date of Public

1 Act 99-697), the clerk of the circuit court shall expunge,
2 upon order of the court, or in the absence of a court order
3 on or before January 1 and July 1 of each year, the court
4 records of a person found in the circuit court to have
5 committed a civil law violation of subsection (a) of
6 Section 4 of the Cannabis Control Act or subsection (c) of
7 Section 3.5 of the Drug Paraphernalia Control Act in the
8 clerk's possession or control and which contains the final
9 satisfactory disposition which pertain to the person
10 issued a citation for any of those offenses.

11 (3) Exclusions. Except as otherwise provided in
12 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)
13 of this Section, the court shall not order:

14 (A) the sealing or expungement of the records of
15 arrests or charges not initiated by arrest that result
16 in an order of supervision for or conviction of: (i)
17 any sexual offense committed against a minor; (ii)
18 Section 11-501 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance; or (iii)
20 Section 11-503 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance, unless the
22 arrest or charge is for a misdemeanor violation of
23 subsection (a) of Section 11-503 or a similar
24 provision of a local ordinance, that occurred prior to
25 the offender reaching the age of 25 years and the
26 offender has no other conviction for violating Section

1 11-501 or 11-503 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance.

3 (B) the sealing or expungement of records of minor
4 traffic offenses (as defined in subsection (a)(1)(G)),
5 unless the petitioner was arrested and released
6 without charging.

7 (C) the sealing of the records of arrests or
8 charges not initiated by arrest which result in an
9 order of supervision or a conviction for the following
10 offenses:

11 (i) offenses included in Article 11 of the
12 Criminal Code of 1961 or the Criminal Code of 2012
13 or a similar provision of a local ordinance,
14 except Section 11-14 and a misdemeanor violation
15 of Section 11-30 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, or a similar provision
17 of a local ordinance;

18 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
19 26-5, or 48-1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, or a similar provision of a
21 local ordinance;

22 (iii) Section 12-3.1 or 12-3.2 of the Criminal
23 Code of 1961 or the Criminal Code of 2012, or
24 Section 125 of the Stalking No Contact Order Act,
25 or Section 219 of the Civil No Contact Order Act,
26 or a similar provision of a local ordinance;

1 (iv) Class A misdemeanors or felony offenses
2 under the Humane Care for Animals Act; or

3 (v) any offense or attempted offense that
4 would subject a person to registration under the
5 Sex Offender Registration Act.

6 (D) (blank).

7 (b) Expungement.

8 (1) A petitioner may petition the circuit court to
9 expunge the records of his or her arrests and charges not
10 initiated by arrest when each arrest or charge not
11 initiated by arrest sought to be expunged resulted in: (i)
12 acquittal, dismissal, or the petitioner's release without
13 charging, unless excluded by subsection (a)(3)(B); (ii) a
14 conviction which was vacated or reversed, unless excluded
15 by subsection (a)(3)(B); (iii) an order of supervision and
16 such supervision was successfully completed by the
17 petitioner, unless excluded by subsection (a)(3)(A) or
18 (a)(3)(B); or (iv) an order of qualified probation (as
19 defined in subsection (a)(1)(J)) and such probation was
20 successfully completed by the petitioner.

21 (1.5) When a petitioner seeks to have a record of
22 arrest expunged under this Section, and the offender has
23 been convicted of a criminal offense, the State's Attorney
24 may object to the expungement on the grounds that the
25 records contain specific relevant information aside from
26 the mere fact of the arrest.

1 (2) Time frame for filing a petition to expunge.

2 (A) When the arrest or charge not initiated by
3 arrest sought to be expunged resulted in an acquittal,
4 dismissal, the petitioner's release without charging,
5 or the reversal or vacation of a conviction, there is
6 no waiting period to petition for the expungement of
7 such records.

8 (A-5) In anticipation of the successful completion
9 of a problem-solving court, pre-plea diversion, or
10 post-plea diversion program, a petition for
11 expungement may be filed 61 days before the
12 anticipated dismissal of the case or any time
13 thereafter. Upon successful completion of the program
14 and dismissal of the case, the court shall review the
15 petition of the person graduating from the program and
16 shall grant expungement if the petitioner meets all
17 requirements as specified in any applicable statute.

18 (B) When the arrest or charge not initiated by
19 arrest sought to be expunged resulted in an order of
20 supervision, successfully completed by the petitioner,
21 the following time frames will apply:

22 (i) Those arrests or charges that resulted in
23 orders of supervision under Section 3-707, 3-708,
24 3-710, or 5-401.3 of the Illinois Vehicle Code or
25 a similar provision of a local ordinance, or under
26 Section 11-1.50, 12-3.2, or 12-15 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, or a
2 similar provision of a local ordinance, shall not
3 be eligible for expungement until 5 years have
4 passed following the satisfactory termination of
5 the supervision.

6 (i-5) Those arrests or charges that resulted
7 in orders of supervision for a misdemeanor
8 violation of subsection (a) of Section 11-503 of
9 the Illinois Vehicle Code or a similar provision
10 of a local ordinance, that occurred prior to the
11 offender reaching the age of 25 years and the
12 offender has no other conviction for violating
13 Section 11-501 or 11-503 of the Illinois Vehicle
14 Code or a similar provision of a local ordinance
15 shall not be eligible for expungement until the
16 petitioner has reached the age of 25 years.

17 (ii) Those arrests or charges that resulted in
18 orders of supervision for any other offenses shall
19 not be eligible for expungement until 2 years have
20 passed following the satisfactory termination of
21 the supervision.

22 (C) When the arrest or charge not initiated by
23 arrest sought to be expunged resulted in an order of
24 qualified probation, successfully completed by the
25 petitioner, such records shall not be eligible for
26 expungement until 5 years have passed following the

1 satisfactory termination of the probation.

2 (3) Those records maintained by the Illinois State
3 Police for persons arrested prior to their 17th birthday
4 shall be expunged as provided in Section 5-915 of the
5 Juvenile Court Act of 1987.

6 (4) Whenever a person has been arrested for or
7 convicted of any offense, in the name of a person whose
8 identity he or she has stolen or otherwise come into
9 possession of, the aggrieved person from whom the identity
10 was stolen or otherwise obtained without authorization,
11 upon learning of the person having been arrested using his
12 or her identity, may, upon verified petition to the chief
13 judge of the circuit wherein the arrest was made, have a
14 court order entered nunc pro tunc by the Chief Judge to
15 correct the arrest record, conviction record, if any, and
16 all official records of the arresting authority, the
17 Illinois State Police, other criminal justice agencies,
18 the prosecutor, and the trial court concerning such
19 arrest, if any, by removing his or her name from all such
20 records in connection with the arrest and conviction, if
21 any, and by inserting in the records the name of the
22 offender, if known or ascertainable, in lieu of the
23 aggrieved's name. The records of the circuit court clerk
24 shall be sealed until further order of the court upon good
25 cause shown and the name of the aggrieved person
26 obliterated on the official index required to be kept by

1 the circuit court clerk under Section 16 of the Clerks of
2 Courts Act, but the order shall not affect any index
3 issued by the circuit court clerk before the entry of the
4 order. Nothing in this Section shall limit the Illinois
5 State Police or other criminal justice agencies or
6 prosecutors from listing under an offender's name the
7 false names he or she has used.

8 (5) Whenever a person has been convicted of criminal
9 sexual assault, aggravated criminal sexual assault,
10 predatory criminal sexual assault of a child, criminal
11 sexual abuse, or aggravated criminal sexual abuse, the
12 victim of that offense may request that the State's
13 Attorney of the county in which the conviction occurred
14 file a verified petition with the presiding trial judge at
15 the petitioner's trial to have a court order entered to
16 seal the records of the circuit court clerk in connection
17 with the proceedings of the trial court concerning that
18 offense. However, the records of the arresting authority
19 and the Illinois State Police concerning the offense shall
20 not be sealed. The court, upon good cause shown, shall
21 make the records of the circuit court clerk in connection
22 with the proceedings of the trial court concerning the
23 offense available for public inspection.

24 (6) If a conviction has been set aside on direct
25 review or on collateral attack and the court determines by
26 clear and convincing evidence that the petitioner was

1 factually innocent of the charge, the court that finds the
2 petitioner factually innocent of the charge shall enter an
3 expungement order for the conviction for which the
4 petitioner has been determined to be innocent as provided
5 in subsection (b) of Section 5-5-4 of the Unified Code of
6 Corrections.

7 (7) Nothing in this Section shall prevent the Illinois
8 State Police from maintaining all records of any person
9 who is admitted to probation upon terms and conditions and
10 who fulfills those terms and conditions pursuant to
11 Section 10 of the Cannabis Control Act, Section 410 of the
12 Illinois Controlled Substances Act, Section 70 of the
13 Methamphetamine Control and Community Protection Act,
14 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
15 Corrections, Section 12-4.3 or subdivision (b)(1) of
16 Section 12-3.05 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, Section 10-102 of the Illinois
18 Alcoholism and Other Drug Dependency Act, Section 40-10 of
19 the Substance Use Disorder Act, or Section 10 of the
20 Steroid Control Act.

21 (8) If the petitioner has been granted a certificate
22 of innocence under Section 2-702 of the Code of Civil
23 Procedure, the court that grants the certificate of
24 innocence shall also enter an order expunging the
25 conviction for which the petitioner has been determined to
26 be innocent as provided in subsection (h) of Section 2-702

1 of the Code of Civil Procedure.

2 (c) Sealing.

3 (1) Applicability. Notwithstanding any other provision
4 of this Act to the contrary, and cumulative with any
5 rights to expungement of criminal records, this subsection
6 authorizes the sealing of criminal records of adults and
7 of minors prosecuted as adults. Subsection (g) of this
8 Section provides for immediate sealing of certain records.

9 (2) Eligible Records. The following records may be
10 sealed:

11 (A) All arrests resulting in release without
12 charging;

13 (B) Arrests or charges not initiated by arrest
14 resulting in acquittal, dismissal, or conviction when
15 the conviction was reversed or vacated, except as
16 excluded by subsection (a) (3) (B);

17 (C) Arrests or charges not initiated by arrest
18 resulting in orders of supervision, including orders
19 of supervision for municipal ordinance violations,
20 successfully completed by the petitioner, unless
21 excluded by subsection (a) (3);

22 (D) Arrests or charges not initiated by arrest
23 resulting in convictions, including convictions on
24 municipal ordinance violations, unless excluded by
25 subsection (a) (3);

26 (E) Arrests or charges not initiated by arrest

1 resulting in orders of first offender probation under
2 Section 10 of the Cannabis Control Act, Section 410 of
3 the Illinois Controlled Substances Act, Section 70 of
4 the Methamphetamine Control and Community Protection
5 Act, or Section 5-6-3.3 of the Unified Code of
6 Corrections; and

7 (F) Arrests or charges not initiated by arrest
8 resulting in felony convictions unless otherwise
9 excluded by subsection (a) paragraph (3) of this
10 Section.

11 (3) When Records Are Eligible to Be Sealed. Records
12 identified as eligible under subsection (c)(2) may be
13 sealed as follows:

14 (A) Records identified as eligible under
15 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
16 any time.

17 (B) Except as otherwise provided in subparagraph
18 (E) of this paragraph (3), records identified as
19 eligible under subsection (c)(2)(C) may be sealed 2
20 years after the termination of petitioner's last
21 sentence (as defined in subsection (a)(1)(F)).

22 (C) Except as otherwise provided in subparagraph
23 (E) of this paragraph (3), records identified as
24 eligible under subsections (c)(2)(D), (c)(2)(E), and
25 (c)(2)(F) may be sealed 3 years after the termination
26 of the petitioner's last sentence (as defined in

1 subsection (a)(1)(F)). Convictions requiring public
2 registration under the Arsonist Registry Act, the Sex
3 Offender Registration Act, or the Murderer and Violent
4 Offender Against Youth Registration Act may not be
5 sealed until the petitioner is no longer required to
6 register under that relevant Act.

7 (D) Records identified in subsection
8 (a)(3)(A)(iii) may be sealed after the petitioner has
9 reached the age of 25 years.

10 (E) Records identified as eligible under
11 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or
12 (c)(2)(F) may be sealed upon termination of the
13 petitioner's last sentence if the petitioner earned a
14 high school diploma, associate's degree, career
15 certificate, vocational technical certification, or
16 bachelor's degree, or passed the high school level
17 Test of General Educational Development, during the
18 period of his or her sentence or mandatory supervised
19 release. This subparagraph shall apply only to a
20 petitioner who has not completed the same educational
21 goal prior to the period of his or her sentence or
22 mandatory supervised release. If a petition for
23 sealing eligible records filed under this subparagraph
24 is denied by the court, the time periods under
25 subparagraph (B) or (C) shall apply to any subsequent
26 petition for sealing filed by the petitioner.

1 (4) Subsequent felony convictions. A person may not
2 have subsequent felony conviction records sealed as
3 provided in this subsection (c) if he or she is convicted
4 of any felony offense after the date of the sealing of
5 prior felony convictions as provided in this subsection
6 (c). The court may, upon conviction for a subsequent
7 felony offense, order the unsealing of prior felony
8 conviction records previously ordered sealed by the court.

9 (5) Notice of eligibility for sealing. Upon entry of a
10 disposition for an eligible record under this subsection
11 (c), the petitioner shall be informed by the court of the
12 right to have the records sealed and the procedures for
13 the sealing of the records.

14 (d) Procedure. The following procedures apply to
15 expungement under subsections (b), (e), and (e-6) and sealing
16 under subsections (c) and (e-5):

17 (1) Filing the petition. Upon becoming eligible to
18 petition for the expungement or sealing of records under
19 this Section, the petitioner shall file a petition
20 requesting the expungement or sealing of records with the
21 clerk of the court where the arrests occurred or the
22 charges were brought, or both. If arrests occurred or
23 charges were brought in multiple jurisdictions, a petition
24 must be filed in each such jurisdiction. The petitioner
25 shall pay the applicable fee, except no fee shall be
26 required if the petitioner has obtained a court order

1 waiving fees under Supreme Court Rule 298 or it is
2 otherwise waived.

3 (1.5) County fee waiver pilot program. From August 9,
4 2019 (the effective date of Public Act 101-306) through
5 December 31, 2020, in a county of 3,000,000 or more
6 inhabitants, no fee shall be required to be paid by a
7 petitioner if the records sought to be expunged or sealed
8 were arrests resulting in release without charging or
9 arrests or charges not initiated by arrest resulting in
10 acquittal, dismissal, or conviction when the conviction
11 was reversed or vacated, unless excluded by subsection
12 (a)(3)(B). The provisions of this paragraph (1.5), other
13 than this sentence, are inoperative on and after January
14 1, 2022.

15 (2) Contents of petition. The petition shall be
16 verified and shall contain the petitioner's name, date of
17 birth, current address and, for each arrest or charge not
18 initiated by arrest sought to be sealed or expunged, the
19 case number, the date of arrest (if any), the identity of
20 the arresting authority, and such other information as the
21 court may require. During the pendency of the proceeding,
22 the petitioner shall promptly notify the circuit court
23 clerk of any change of his or her address. If the
24 petitioner has received a certificate of eligibility for
25 sealing from the Prisoner Review Board under paragraph
26 (10) of subsection (a) of Section 3-3-2 of the Unified

1 Code of Corrections, the certificate shall be attached to
2 the petition.

3 (3) Drug test. The petitioner must attach to the
4 petition proof that the petitioner has taken within 30
5 days before the filing of the petition a test showing the
6 absence within his or her body of all illegal substances
7 as defined by the Illinois Controlled Substances Act and
8 the Methamphetamine Control and Community Protection Act
9 if he or she is petitioning to:

10 (A) seal felony records under clause (c) (2) (E);

11 (B) seal felony records for a violation of the
12 Illinois Controlled Substances Act, the
13 Methamphetamine Control and Community Protection Act,
14 or the Cannabis Control Act under clause (c) (2) (F);

15 (C) seal felony records under subsection (e-5); or

16 (D) expunge felony records of a qualified
17 probation under clause (b) (1) (iv).

18 (4) Service of petition. The circuit court clerk shall
19 promptly serve a copy of the petition and documentation to
20 support the petition under subsection (e-5) or (e-6) on
21 the State's Attorney or prosecutor charged with the duty
22 of prosecuting the offense, the Illinois State Police, the
23 arresting agency and the chief legal officer of the unit
24 of local government effecting the arrest.

25 (5) Objections.

26 (A) Any party entitled to notice of the petition

1 may file an objection to the petition. All objections
2 shall be in writing, shall be filed with the circuit
3 court clerk, and shall state with specificity the
4 basis of the objection. Whenever a person who has been
5 convicted of an offense is granted a pardon by the
6 Governor which specifically authorizes expungement, an
7 objection to the petition may not be filed.

8 (B) Objections to a petition to expunge or seal
9 must be filed within 60 days of the date of service of
10 the petition.

11 (6) Entry of order.

12 (A) The Chief Judge of the circuit wherein the
13 charge was brought, any judge of that circuit
14 designated by the Chief Judge, or in counties of less
15 than 3,000,000 inhabitants, the presiding trial judge
16 at the petitioner's trial, if any, shall rule on the
17 petition to expunge or seal as set forth in this
18 subsection (d) (6).

19 (B) Unless the State's Attorney or prosecutor, the
20 Illinois State Police, the arresting agency, or the
21 chief legal officer files an objection to the petition
22 to expunge or seal within 60 days from the date of
23 service of the petition, the court shall enter an
24 order granting or denying the petition.

25 (C) Notwithstanding any other provision of law,
26 the court shall not deny a petition for sealing under

1 this Section because the petitioner has not satisfied
2 an outstanding legal financial obligation established,
3 imposed, or originated by a court, law enforcement
4 agency, or a municipal, State, county, or other unit
5 of local government, including, but not limited to,
6 any cost, assessment, fine, or fee. An outstanding
7 legal financial obligation does not include any court
8 ordered restitution to a victim under Section 5-5-6 of
9 the Unified Code of Corrections, unless the
10 restitution has been converted to a civil judgment.
11 Nothing in this subparagraph (C) waives, rescinds, or
12 abrogates a legal financial obligation or otherwise
13 eliminates or affects the right of the holder of any
14 financial obligation to pursue collection under
15 applicable federal, State, or local law.

16 (D) Notwithstanding any other provision of law,
17 the court shall not deny a petition to expunge or seal
18 under this Section because the petitioner has
19 submitted a drug test taken within 30 days before the
20 filing of the petition to expunge or seal that
21 indicates a positive test for the presence of cannabis
22 within the petitioner's body. In this subparagraph
23 (D), "cannabis" has the meaning ascribed to it in
24 Section 3 of the Cannabis Control Act.

25 (7) Hearings. If an objection is filed, the court
26 shall set a date for a hearing and notify the petitioner

1 and all parties entitled to notice of the petition of the
2 hearing date at least 30 days prior to the hearing. Prior
3 to the hearing, the State's Attorney shall consult with
4 the Illinois State Police as to the appropriateness of the
5 relief sought in the petition to expunge or seal. At the
6 hearing, the court shall hear evidence on whether the
7 petition should or should not be granted, and shall grant
8 or deny the petition to expunge or seal the records based
9 on the evidence presented at the hearing. The court may
10 consider the following:

11 (A) the strength of the evidence supporting the
12 defendant's conviction;

13 (B) the reasons for retention of the conviction
14 records by the State;

15 (C) the petitioner's age, criminal record history,
16 and employment history;

17 (D) the period of time between the petitioner's
18 arrest on the charge resulting in the conviction and
19 the filing of the petition under this Section; and

20 (E) the specific adverse consequences the
21 petitioner may be subject to if the petition is
22 denied.

23 (8) Service of order. After entering an order to
24 expunge or seal records, the court must provide copies of
25 the order to the Illinois State Police, in a form and
26 manner prescribed by the Illinois State Police, to the

1 petitioner, to the State's Attorney or prosecutor charged
2 with the duty of prosecuting the offense, to the arresting
3 agency, to the chief legal officer of the unit of local
4 government effecting the arrest, and to such other
5 criminal justice agencies as may be ordered by the court.

6 (9) Implementation of order.

7 (A) Upon entry of an order to expunge records
8 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
9 both:

10 (i) the records shall be expunged (as defined
11 in subsection (a) (1) (E)) by the arresting agency,
12 the Illinois State Police, and any other agency as
13 ordered by the court, within 60 days of the date of
14 service of the order, unless a motion to vacate,
15 modify, or reconsider the order is filed pursuant
16 to paragraph (12) of subsection (d) of this
17 Section;

18 (ii) the records of the circuit court clerk
19 shall be impounded until further order of the
20 court upon good cause shown and the name of the
21 petitioner obliterated on the official index
22 required to be kept by the circuit court clerk
23 under Section 16 of the Clerks of Courts Act, but
24 the order shall not affect any index issued by the
25 circuit court clerk before the entry of the order;
26 and

1 (iii) in response to an inquiry for expunged
2 records, the court, the Illinois State Police, or
3 the agency receiving such inquiry, shall reply as
4 it does in response to inquiries when no records
5 ever existed.

6 (B) Upon entry of an order to expunge records
7 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
8 both:

9 (i) the records shall be expunged (as defined
10 in subsection (a)(1)(E)) by the arresting agency
11 and any other agency as ordered by the court,
12 within 60 days of the date of service of the order,
13 unless a motion to vacate, modify, or reconsider
14 the order is filed pursuant to paragraph (12) of
15 subsection (d) of this Section;

16 (ii) the records of the circuit court clerk
17 shall be impounded until further order of the
18 court upon good cause shown and the name of the
19 petitioner obliterated on the official index
20 required to be kept by the circuit court clerk
21 under Section 16 of the Clerks of Courts Act, but
22 the order shall not affect any index issued by the
23 circuit court clerk before the entry of the order;

24 (iii) the records shall be impounded by the
25 Illinois State Police within 60 days of the date
26 of service of the order as ordered by the court,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

4 (iv) records impounded by the Illinois State
5 Police may be disseminated by the Illinois State
6 Police only as required by law or to the arresting
7 authority, the State's Attorney, and the court
8 upon a later arrest for the same or a similar
9 offense or for the purpose of sentencing for any
10 subsequent felony, and to the Department of
11 Corrections upon conviction for any offense; and

12 (v) in response to an inquiry for such records
13 from anyone not authorized by law to access such
14 records, the court, the Illinois State Police, or
15 the agency receiving such inquiry shall reply as
16 it does in response to inquiries when no records
17 ever existed.

18 (B-5) Upon entry of an order to expunge records
19 under subsection (e-6):

20 (i) the records shall be expunged (as defined
21 in subsection (a)(1)(E)) by the arresting agency
22 and any other agency as ordered by the court,
23 within 60 days of the date of service of the order,
24 unless a motion to vacate, modify, or reconsider
25 the order is filed under paragraph (12) of
26 subsection (d) of this Section;

1 (ii) the records of the circuit court clerk
2 shall be impounded until further order of the
3 court upon good cause shown and the name of the
4 petitioner obliterated on the official index
5 required to be kept by the circuit court clerk
6 under Section 16 of the Clerks of Courts Act, but
7 the order shall not affect any index issued by the
8 circuit court clerk before the entry of the order;

9 (iii) the records shall be impounded by the
10 Illinois State Police within 60 days of the date
11 of service of the order as ordered by the court,
12 unless a motion to vacate, modify, or reconsider
13 the order is filed under paragraph (12) of
14 subsection (d) of this Section;

15 (iv) records impounded by the Illinois State
16 Police may be disseminated by the Illinois State
17 Police only as required by law or to the arresting
18 authority, the State's Attorney, and the court
19 upon a later arrest for the same or a similar
20 offense or for the purpose of sentencing for any
21 subsequent felony, and to the Department of
22 Corrections upon conviction for any offense; and

23 (v) in response to an inquiry for these
24 records from anyone not authorized by law to
25 access the records, the court, the Illinois State
26 Police, or the agency receiving the inquiry shall

1 reply as it does in response to inquiries when no
2 records ever existed.

3 (C) Upon entry of an order to seal records under
4 subsection (c), the arresting agency, any other agency
5 as ordered by the court, the Illinois State Police,
6 and the court shall seal the records (as defined in
7 subsection (a)(1)(K)). In response to an inquiry for
8 such records, from anyone not authorized by law to
9 access such records, the court, the Illinois State
10 Police, or the agency receiving such inquiry shall
11 reply as it does in response to inquiries when no
12 records ever existed.

13 (D) The Illinois State Police shall send written
14 notice to the petitioner of its compliance with each
15 order to expunge or seal records within 60 days of the
16 date of service of that order or, if a motion to
17 vacate, modify, or reconsider is filed, within 60 days
18 of service of the order resolving the motion, if that
19 order requires the Illinois State Police to expunge or
20 seal records. In the event of an appeal from the
21 circuit court order, the Illinois State Police shall
22 send written notice to the petitioner of its
23 compliance with an Appellate Court or Supreme Court
24 judgment to expunge or seal records within 60 days of
25 the issuance of the court's mandate. The notice is not
26 required while any motion to vacate, modify, or

1 reconsider, or any appeal or petition for
2 discretionary appellate review, is pending.

3 (E) Upon motion, the court may order that a sealed
4 judgment or other court record necessary to
5 demonstrate the amount of any legal financial
6 obligation due and owing be made available for the
7 limited purpose of collecting any legal financial
8 obligations owed by the petitioner that were
9 established, imposed, or originated in the criminal
10 proceeding for which those records have been sealed.
11 The records made available under this subparagraph (E)
12 shall not be entered into the official index required
13 to be kept by the circuit court clerk under Section 16
14 of the Clerks of Courts Act and shall be immediately
15 re-impounded upon the collection of the outstanding
16 financial obligations.

17 (F) Notwithstanding any other provision of this
18 Section, a circuit court clerk may access a sealed
19 record for the limited purpose of collecting payment
20 for any legal financial obligations that were
21 established, imposed, or originated in the criminal
22 proceedings for which those records have been sealed.

23 (10) Fees. The Illinois State Police may charge the
24 petitioner a fee equivalent to the cost of processing any
25 order to expunge or seal records. Notwithstanding any
26 provision of the Clerks of Courts Act to the contrary, the

1 circuit court clerk may charge a fee equivalent to the
2 cost associated with the sealing or expungement of records
3 by the circuit court clerk. From the total filing fee
4 collected for the petition to seal or expunge, the circuit
5 court clerk shall deposit \$10 into the Circuit Court Clerk
6 Operation and Administrative Fund, to be used to offset
7 the costs incurred by the circuit court clerk in
8 performing the additional duties required to serve the
9 petition to seal or expunge on all parties. The circuit
10 court clerk shall collect and remit the Illinois State
11 Police portion of the fee to the State Treasurer and it
12 shall be deposited in the State Police Services Fund. If
13 the record brought under an expungement petition was
14 previously sealed under this Section, the fee for the
15 expungement petition for that same record shall be waived.

16 (11) Final Order. No court order issued under the
17 expungement or sealing provisions of this Section shall
18 become final for purposes of appeal until 30 days after
19 service of the order on the petitioner and all parties
20 entitled to notice of the petition.

21 (12) Motion to Vacate, Modify, or Reconsider. Under
22 Section 2-1203 of the Code of Civil Procedure, the
23 petitioner or any party entitled to notice may file a
24 motion to vacate, modify, or reconsider the order granting
25 or denying the petition to expunge or seal within 60 days
26 of service of the order. If filed more than 60 days after

1 service of the order, a petition to vacate, modify, or
2 reconsider shall comply with subsection (c) of Section
3 2-1401 of the Code of Civil Procedure. Upon filing of a
4 motion to vacate, modify, or reconsider, notice of the
5 motion shall be served upon the petitioner and all parties
6 entitled to notice of the petition.

7 (13) Effect of Order. An order granting a petition
8 under the expungement or sealing provisions of this
9 Section shall not be considered void because it fails to
10 comply with the provisions of this Section or because of
11 any error asserted in a motion to vacate, modify, or
12 reconsider. The circuit court retains jurisdiction to
13 determine whether the order is voidable and to vacate,
14 modify, or reconsider its terms based on a motion filed
15 under paragraph (12) of this subsection (d).

16 (14) Compliance with Order Granting Petition to Seal
17 Records. Unless a court has entered a stay of an order
18 granting a petition to seal, all parties entitled to
19 notice of the petition must fully comply with the terms of
20 the order within 60 days of service of the order even if a
21 party is seeking relief from the order through a motion
22 filed under paragraph (12) of this subsection (d) or is
23 appealing the order.

24 (15) Compliance with Order Granting Petition to
25 Expunge Records. While a party is seeking relief from the
26 order granting the petition to expunge through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order, and unless a court has entered a stay
3 of that order, the parties entitled to notice of the
4 petition must seal, but need not expunge, the records
5 until there is a final order on the motion for relief or,
6 in the case of an appeal, the issuance of that court's
7 mandate.

8 (16) The changes to this subsection (d) made by Public
9 Act 98-163 apply to all petitions pending on August 5,
10 2013 (the effective date of Public Act 98-163) and to all
11 orders ruling on a petition to expunge or seal on or after
12 August 5, 2013 (the effective date of Public Act 98-163).

13 (e) Whenever a person who has been convicted of an offense
14 is granted a pardon by the Governor which specifically
15 authorizes expungement, he or she may, upon verified petition
16 to the Chief Judge of the circuit where the person had been
17 convicted, any judge of the circuit designated by the Chief
18 Judge, or in counties of less than 3,000,000 inhabitants, the
19 presiding trial judge at the defendant's trial, have a court
20 order entered expunging the record of arrest from the official
21 records of the arresting authority and order that the records
22 of the circuit court clerk and the Illinois State Police be
23 sealed until further order of the court upon good cause shown
24 or as otherwise provided herein, and the name of the defendant
25 obliterated from the official index requested to be kept by
26 the circuit court clerk under Section 16 of the Clerks of

1 Courts Act in connection with the arrest and conviction for
2 the offense for which he or she had been pardoned but the order
3 shall not affect any index issued by the circuit court clerk
4 before the entry of the order. All records sealed by the
5 Illinois State Police may be disseminated by the Illinois
6 State Police only to the arresting authority, the State's
7 Attorney, and the court upon a later arrest for the same or
8 similar offense or for the purpose of sentencing for any
9 subsequent felony. Upon conviction for any subsequent offense,
10 the Department of Corrections shall have access to all sealed
11 records of the Illinois State Police pertaining to that
12 individual. Upon entry of the order of expungement, the
13 circuit court clerk shall promptly mail a copy of the order to
14 the person who was pardoned.

15 (e-5) Whenever a person who has been convicted of an
16 offense is granted a certificate of eligibility for sealing by
17 the Prisoner Review Board which specifically authorizes
18 sealing, he or she may, upon verified petition to the Chief
19 Judge of the circuit where the person had been convicted, any
20 judge of the circuit designated by the Chief Judge, or in
21 counties of less than 3,000,000 inhabitants, the presiding
22 trial judge at the petitioner's trial, have a court order
23 entered sealing the record of arrest from the official records
24 of the arresting authority and order that the records of the
25 circuit court clerk and the Illinois State Police be sealed
26 until further order of the court upon good cause shown or as

1 otherwise provided herein, and the name of the petitioner
2 obliterated from the official index requested to be kept by
3 the circuit court clerk under Section 16 of the Clerks of
4 Courts Act in connection with the arrest and conviction for
5 the offense for which he or she had been granted the
6 certificate but the order shall not affect any index issued by
7 the circuit court clerk before the entry of the order. All
8 records sealed by the Illinois State Police may be
9 disseminated by the Illinois State Police only as required by
10 this Act or to the arresting authority, a law enforcement
11 agency, the State's Attorney, and the court upon a later
12 arrest for the same or similar offense or for the purpose of
13 sentencing for any subsequent felony. Upon conviction for any
14 subsequent offense, the Department of Corrections shall have
15 access to all sealed records of the Illinois State Police
16 pertaining to that individual. Upon entry of the order of
17 sealing, the circuit court clerk shall promptly mail a copy of
18 the order to the person who was granted the certificate of
19 eligibility for sealing.

20 (e-6) Whenever a person who has been convicted of an
21 offense is granted a certificate of eligibility for
22 expungement by the Prisoner Review Board which specifically
23 authorizes expungement, he or she may, upon verified petition
24 to the Chief Judge of the circuit where the person had been
25 convicted, any judge of the circuit designated by the Chief
26 Judge, or in counties of less than 3,000,000 inhabitants, the

1 presiding trial judge at the petitioner's trial, have a court
2 order entered expunging the record of arrest from the official
3 records of the arresting authority and order that the records
4 of the circuit court clerk and the Illinois State Police be
5 sealed until further order of the court upon good cause shown
6 or as otherwise provided herein, and the name of the
7 petitioner obliterated from the official index requested to be
8 kept by the circuit court clerk under Section 16 of the Clerks
9 of Courts Act in connection with the arrest and conviction for
10 the offense for which he or she had been granted the
11 certificate but the order shall not affect any index issued by
12 the circuit court clerk before the entry of the order. All
13 records sealed by the Illinois State Police may be
14 disseminated by the Illinois State Police only as required by
15 this Act or to the arresting authority, a law enforcement
16 agency, the State's Attorney, and the court upon a later
17 arrest for the same or similar offense or for the purpose of
18 sentencing for any subsequent felony. Upon conviction for any
19 subsequent offense, the Department of Corrections shall have
20 access to all expunged records of the Illinois State Police
21 pertaining to that individual. Upon entry of the order of
22 expungement, the circuit court clerk shall promptly mail a
23 copy of the order to the person who was granted the certificate
24 of eligibility for expungement.

25 (f) Subject to available funding, the Illinois Department
26 of Corrections shall conduct a study of the impact of sealing,

1 especially on employment and recidivism rates, utilizing a
2 random sample of those who apply for the sealing of their
3 criminal records under Public Act 93-211. At the request of
4 the Illinois Department of Corrections, records of the
5 Illinois Department of Employment Security shall be utilized
6 as appropriate to assist in the study. The study shall not
7 disclose any data in a manner that would allow the
8 identification of any particular individual or employing unit.
9 The study shall be made available to the General Assembly no
10 later than September 1, 2010.

11 (g) Immediate Sealing.

12 (1) Applicability. Notwithstanding any other provision
13 of this Act to the contrary, and cumulative with any
14 rights to expungement or sealing of criminal records, this
15 subsection authorizes the immediate sealing of criminal
16 records of adults and of minors prosecuted as adults.

17 (2) Eligible Records. Arrests or charges not initiated
18 by arrest resulting in acquittal or dismissal with
19 prejudice, except as excluded by subsection (a)(3)(B),
20 that occur on or after January 1, 2018 (the effective date
21 of Public Act 100-282), may be sealed immediately if the
22 petition is filed with the circuit court clerk on the same
23 day and during the same hearing in which the case is
24 disposed.

25 (3) When Records are Eligible to be Immediately
26 Sealed. Eligible records under paragraph (2) of this

1 subsection (g) may be sealed immediately after entry of
2 the final disposition of a case, notwithstanding the
3 disposition of other charges in the same case.

4 (4) Notice of Eligibility for Immediate Sealing. Upon
5 entry of a disposition for an eligible record under this
6 subsection (g), the defendant shall be informed by the
7 court of his or her right to have eligible records
8 immediately sealed and the procedure for the immediate
9 sealing of these records.

10 (5) Procedure. The following procedures apply to
11 immediate sealing under this subsection (g).

12 (A) Filing the Petition. Upon entry of the final
13 disposition of the case, the defendant's attorney may
14 immediately petition the court, on behalf of the
15 defendant, for immediate sealing of eligible records
16 under paragraph (2) of this subsection (g) that are
17 entered on or after January 1, 2018 (the effective
18 date of Public Act 100-282). The immediate sealing
19 petition may be filed with the circuit court clerk
20 during the hearing in which the final disposition of
21 the case is entered. If the defendant's attorney does
22 not file the petition for immediate sealing during the
23 hearing, the defendant may file a petition for sealing
24 at any time as authorized under subsection (c) (3) (A).

25 (B) Contents of Petition. The immediate sealing
26 petition shall be verified and shall contain the

1 petitioner's name, date of birth, current address, and
2 for each eligible record, the case number, the date of
3 arrest if applicable, the identity of the arresting
4 authority if applicable, and other information as the
5 court may require.

6 (C) Drug Test. The petitioner shall not be
7 required to attach proof that he or she has passed a
8 drug test.

9 (D) Service of Petition. A copy of the petition
10 shall be served on the State's Attorney in open court.
11 The petitioner shall not be required to serve a copy of
12 the petition on any other agency.

13 (E) Entry of Order. The presiding trial judge
14 shall enter an order granting or denying the petition
15 for immediate sealing during the hearing in which it
16 is filed. Petitions for immediate sealing shall be
17 ruled on in the same hearing in which the final
18 disposition of the case is entered.

19 (F) Hearings. The court shall hear the petition
20 for immediate sealing on the same day and during the
21 same hearing in which the disposition is rendered.

22 (G) Service of Order. An order to immediately seal
23 eligible records shall be served in conformance with
24 subsection (d) (8).

25 (H) Implementation of Order. An order to
26 immediately seal records shall be implemented in

1 conformance with subsections (d) (9) (C) and (d) (9) (D) .

2 (I) Fees. The fee imposed by the circuit court
3 clerk and the Illinois State Police shall comply with
4 paragraph (1) of subsection (d) of this Section.

5 (J) Final Order. No court order issued under this
6 subsection (g) shall become final for purposes of
7 appeal until 30 days after service of the order on the
8 petitioner and all parties entitled to service of the
9 order in conformance with subsection (d) (8) .

10 (K) Motion to Vacate, Modify, or Reconsider. Under
11 Section 2-1203 of the Code of Civil Procedure, the
12 petitioner, State's Attorney, or the Illinois State
13 Police may file a motion to vacate, modify, or
14 reconsider the order denying the petition to
15 immediately seal within 60 days of service of the
16 order. If filed more than 60 days after service of the
17 order, a petition to vacate, modify, or reconsider
18 shall comply with subsection (c) of Section 2-1401 of
19 the Code of Civil Procedure.

20 (L) Effect of Order. An order granting an
21 immediate sealing petition shall not be considered
22 void because it fails to comply with the provisions of
23 this Section or because of an error asserted in a
24 motion to vacate, modify, or reconsider. The circuit
25 court retains jurisdiction to determine whether the
26 order is voidable, and to vacate, modify, or

1 reconsider its terms based on a motion filed under
2 subparagraph (L) of this subsection (g).

3 (M) Compliance with Order Granting Petition to
4 Seal Records. Unless a court has entered a stay of an
5 order granting a petition to immediately seal, all
6 parties entitled to service of the order must fully
7 comply with the terms of the order within 60 days of
8 service of the order.

9 (h) Sealing or vacation and expungement of trafficking
10 victims' crimes.

11 (1) A trafficking victim, as defined by paragraph (10)
12 of subsection (a) of Section 10-9 of the Criminal Code of
13 2012, may petition for vacation and expungement or
14 immediate sealing of his or her criminal record upon the
15 completion of his or her last sentence if his or her
16 participation in the underlying offense was a result of
17 human trafficking under Section 10-9 of the Criminal Code
18 of 2012 or a severe form of trafficking under the federal
19 Trafficking Victims Protection Act.

20 (1.5) A petition under paragraph (1) shall be
21 prepared, signed, and filed in accordance with Supreme
22 Court Rule 9. The court may allow the petitioner to attend
23 any required hearing remotely in accordance with local
24 rules. The court may allow a petition to be filed under
25 seal if the public filing of the petition would constitute
26 a risk of harm to the petitioner.

1 (2) A petitioner under this subsection (h), in
2 addition to the requirements provided under paragraph (4)
3 of subsection (d) of this Section, shall include in his or
4 her petition a clear and concise statement that: (A) he or
5 she was a victim of human trafficking at the time of the
6 offense; and (B) that his or her participation in the
7 offense was a result of human trafficking under Section
8 10-9 of the Criminal Code of 2012 or a severe form of
9 trafficking under the federal Trafficking Victims
10 Protection Act.

11 (3) If an objection is filed alleging that the
12 petitioner is not entitled to vacation and expungement or
13 immediate sealing under this subsection (h), the court
14 shall conduct a hearing under paragraph (7) of subsection
15 (d) of this Section and the court shall determine whether
16 the petitioner is entitled to vacation and expungement or
17 immediate sealing under this subsection (h). A petitioner
18 is eligible for vacation and expungement or immediate
19 relief under this subsection (h) if he or she shows, by a
20 preponderance of the evidence, that: (A) he or she was a
21 victim of human trafficking at the time of the offense;
22 and (B) that his or her participation in the offense was a
23 result of human trafficking under Section 10-9 of the
24 Criminal Code of 2012 or a severe form of trafficking
25 under the federal Trafficking Victims Protection Act.

26 (i) Minor Cannabis Offenses under the Cannabis Control

1 Act.

2 (1) Expungement of Arrest Records of Minor Cannabis
3 Offenses.

4 (A) The Illinois State Police and all law
5 enforcement agencies within the State shall
6 automatically expunge all criminal history records of
7 an arrest, charge not initiated by arrest, order of
8 supervision, or order of qualified probation for a
9 Minor Cannabis Offense committed prior to June 25,
10 2019 (the effective date of Public Act 101-27) if:

11 (i) One year or more has elapsed since the
12 date of the arrest or law enforcement interaction
13 documented in the records; and

14 (ii) No criminal charges were filed relating
15 to the arrest or law enforcement interaction or
16 criminal charges were filed and subsequently
17 dismissed or vacated or the arrestee was
18 acquitted.

19 (B) If the law enforcement agency is unable to
20 verify satisfaction of condition (ii) in paragraph
21 (A), records that satisfy condition (i) in paragraph
22 (A) shall be automatically expunged.

23 (C) Records shall be expunged by the law
24 enforcement agency under the following timelines:

25 (i) Records created prior to June 25, 2019
26 (the effective date of Public Act 101-27), but on

1 or after January 1, 2013, shall be automatically
2 expunged prior to January 1, 2021;

3 (ii) Records created prior to January 1, 2013,
4 but on or after January 1, 2000, shall be
5 automatically expunged prior to January 1, 2023;

6 (iii) Records created prior to January 1, 2000
7 shall be automatically expunged prior to January
8 1, 2025.

9 In response to an inquiry for expunged records,
10 the law enforcement agency receiving such inquiry
11 shall reply as it does in response to inquiries when no
12 records ever existed; however, it shall provide a
13 certificate of disposition or confirmation that the
14 record was expunged to the individual whose record was
15 expunged if such a record exists.

16 (D) Nothing in this Section shall be construed to
17 restrict or modify an individual's right to have that
18 individual's records expunged except as otherwise may
19 be provided in this Act, or diminish or abrogate any
20 rights or remedies otherwise available to the
21 individual.

22 (2) Pardons Authorizing Expungement of Minor Cannabis
23 Offenses.

24 (A) Upon June 25, 2019 (the effective date of
25 Public Act 101-27), the Department of State Police
26 shall review all criminal history record information

1 and identify all records that meet all of the
2 following criteria:

3 (i) one or more convictions for a Minor
4 Cannabis Offense;

5 (ii) the conviction identified in paragraph
6 (2) (A) (i) did not include a penalty enhancement
7 under Section 7 of the Cannabis Control Act; and

8 (iii) the conviction identified in paragraph
9 (2) (A) (i) is not associated with a conviction for
10 a violent crime as defined in subsection (c) of
11 Section 3 of the Rights of Crime Victims and
12 Witnesses Act.

13 (B) Within 180 days after June 25, 2019 (the
14 effective date of Public Act 101-27), the Department
15 of State Police shall notify the Prisoner Review Board
16 of all such records that meet the criteria established
17 in paragraph (2) (A) .

18 (i) The Prisoner Review Board shall notify the
19 State's Attorney of the county of conviction of
20 each record identified by State Police in
21 paragraph (2) (A) that is classified as a Class 4
22 felony. The State's Attorney may provide a written
23 objection to the Prisoner Review Board on the sole
24 basis that the record identified does not meet the
25 criteria established in paragraph (2) (A) . Such an
26 objection must be filed within 60 days or by such

1 later date set by the Prisoner Review Board in the
2 notice after the State's Attorney received notice
3 from the Prisoner Review Board.

4 (ii) In response to a written objection from a
5 State's Attorney, the Prisoner Review Board is
6 authorized to conduct a non-public hearing to
7 evaluate the information provided in the
8 objection.

9 (iii) The Prisoner Review Board shall make a
10 confidential and privileged recommendation to the
11 Governor as to whether to grant a pardon
12 authorizing expungement for each of the records
13 identified by the Department of State Police as
14 described in paragraph (2) (A).

15 (C) If an individual has been granted a pardon
16 authorizing expungement as described in this Section,
17 the Prisoner Review Board, through the Attorney
18 General, shall file a petition for expungement with
19 the Chief Judge of the circuit or any judge of the
20 circuit designated by the Chief Judge where the
21 individual had been convicted. Such petition may
22 include more than one individual. Whenever an
23 individual who has been convicted of an offense is
24 granted a pardon by the Governor that specifically
25 authorizes expungement, an objection to the petition
26 may not be filed. Petitions to expunge under this

1 subsection (i) may include more than one individual.
2 Within 90 days of the filing of such a petition, the
3 court shall enter an order expunging the records of
4 arrest from the official records of the arresting
5 authority and order that the records of the circuit
6 court clerk and the Illinois State Police be expunged
7 and the name of the defendant obliterated from the
8 official index requested to be kept by the circuit
9 court clerk under Section 16 of the Clerks of Courts
10 Act in connection with the arrest and conviction for
11 the offense for which the individual had received a
12 pardon but the order shall not affect any index issued
13 by the circuit court clerk before the entry of the
14 order. Upon entry of the order of expungement, the
15 circuit court clerk shall promptly provide a copy of
16 the order and a certificate of disposition to the
17 individual who was pardoned to the individual's last
18 known address or by electronic means (if available) or
19 otherwise make it available to the individual upon
20 request.

21 (D) Nothing in this Section is intended to
22 diminish or abrogate any rights or remedies otherwise
23 available to the individual.

24 (3) Any individual may file a motion to vacate and
25 expunge a conviction for a misdemeanor or Class 4 felony
26 violation of Section 4 or Section 5 of the Cannabis

1 Control Act. Motions to vacate and expunge under this
2 subsection (i) may be filed with the circuit court, Chief
3 Judge of a judicial circuit or any judge of the circuit
4 designated by the Chief Judge. The circuit court clerk
5 shall promptly serve a copy of the motion to vacate and
6 expunge, and any supporting documentation, on the State's
7 Attorney or prosecutor charged with the duty of
8 prosecuting the offense. When considering such a motion to
9 vacate and expunge, a court shall consider the following:
10 the reasons to retain the records provided by law
11 enforcement, the petitioner's age, the petitioner's age at
12 the time of offense, the time since the conviction, and
13 the specific adverse consequences if denied. An individual
14 may file such a petition after the completion of any
15 non-financial sentence or non-financial condition imposed
16 by the conviction. Within 60 days of the filing of such
17 motion, a State's Attorney may file an objection to such a
18 petition along with supporting evidence. If a motion to
19 vacate and expunge is granted, the records shall be
20 expunged in accordance with subparagraphs (d)(8) and
21 (d)(9)(A) of this Section. An agency providing civil legal
22 aid, as defined by Section 15 of the Public Interest
23 Attorney Assistance Act, assisting individuals seeking to
24 file a motion to vacate and expunge under this subsection
25 may file motions to vacate and expunge with the Chief
26 Judge of a judicial circuit or any judge of the circuit

1 designated by the Chief Judge, and the motion may include
2 more than one individual. Motions filed by an agency
3 providing civil legal aid concerning more than one
4 individual may be prepared, presented, and signed
5 electronically.

6 (4) Any State's Attorney may file a motion to vacate
7 and expunge a conviction for a misdemeanor or Class 4
8 felony violation of Section 4 or Section 5 of the Cannabis
9 Control Act. Motions to vacate and expunge under this
10 subsection (i) may be filed with the circuit court, Chief
11 Judge of a judicial circuit or any judge of the circuit
12 designated by the Chief Judge, and may include more than
13 one individual. Motions filed by a State's Attorney
14 concerning more than one individual may be prepared,
15 presented, and signed electronically. When considering
16 such a motion to vacate and expunge, a court shall
17 consider the following: the reasons to retain the records
18 provided by law enforcement, the individual's age, the
19 individual's age at the time of offense, the time since
20 the conviction, and the specific adverse consequences if
21 denied. Upon entry of an order granting a motion to vacate
22 and expunge records pursuant to this Section, the State's
23 Attorney shall notify the Prisoner Review Board within 30
24 days. Upon entry of the order of expungement, the circuit
25 court clerk shall promptly provide a copy of the order and
26 a certificate of disposition to the individual whose

1 records will be expunged to the individual's last known
2 address or by electronic means (if available) or otherwise
3 make available to the individual upon request. If a motion
4 to vacate and expunge is granted, the records shall be
5 expunged in accordance with subparagraphs (d)(8) and
6 (d)(9)(A) of this Section.

7 (5) In the public interest, the State's Attorney of a
8 county has standing to file motions to vacate and expunge
9 pursuant to this Section in the circuit court with
10 jurisdiction over the underlying conviction.

11 (6) If a person is arrested for a Minor Cannabis
12 Offense as defined in this Section before June 25, 2019
13 (the effective date of Public Act 101-27) and the person's
14 case is still pending but a sentence has not been imposed,
15 the person may petition the court in which the charges are
16 pending for an order to summarily dismiss those charges
17 against him or her, and expunge all official records of
18 his or her arrest, plea, trial, conviction, incarceration,
19 supervision, or expungement. If the court determines, upon
20 review, that: (A) the person was arrested before June 25,
21 2019 (the effective date of Public Act 101-27) for an
22 offense that has been made eligible for expungement; (B)
23 the case is pending at the time; and (C) the person has not
24 been sentenced of the minor cannabis violation eligible
25 for expungement under this subsection, the court shall
26 consider the following: the reasons to retain the records

1 provided by law enforcement, the petitioner's age, the
2 petitioner's age at the time of offense, the time since
3 the conviction, and the specific adverse consequences if
4 denied. If a motion to dismiss and expunge is granted, the
5 records shall be expunged in accordance with subparagraph
6 (d) (9) (A) of this Section.

7 (7) A person imprisoned solely as a result of one or
8 more convictions for Minor Cannabis Offenses under this
9 subsection (i) shall be released from incarceration upon
10 the issuance of an order under this subsection.

11 (8) The Illinois State Police shall allow a person to
12 use the access and review process, established in the
13 Illinois State Police, for verifying that his or her
14 records relating to Minor Cannabis Offenses of the
15 Cannabis Control Act eligible under this Section have been
16 expunged.

17 (9) No conviction vacated pursuant to this Section
18 shall serve as the basis for damages for time unjustly
19 served as provided in the Court of Claims Act.

20 (10) Effect of Expungement. A person's right to
21 expunge an expungeable offense shall not be limited under
22 this Section. The effect of an order of expungement shall
23 be to restore the person to the status he or she occupied
24 before the arrest, charge, or conviction.

25 (11) Information. The Illinois State Police shall post
26 general information on its website about the expungement

1 process described in this subsection (i).

2 (j) Felony Prostitution Convictions.

3 (1) Any individual may file a motion to vacate and
4 expunge a conviction for a prior Class 4 felony violation
5 of prostitution. Motions to vacate and expunge under this
6 subsection (j) may be filed with the circuit court, Chief
7 Judge of a judicial circuit, or any judge of the circuit
8 designated by the Chief Judge. When considering the motion
9 to vacate and expunge, a court shall consider the
10 following:

11 (A) the reasons to retain the records provided by
12 law enforcement;

13 (B) the petitioner's age;

14 (C) the petitioner's age at the time of offense;

15 and

16 (D) the time since the conviction, and the
17 specific adverse consequences if denied. An individual
18 may file the petition after the completion of any
19 sentence or condition imposed by the conviction.
20 Within 60 days of the filing of the motion, a State's
21 Attorney may file an objection to the petition along
22 with supporting evidence. If a motion to vacate and
23 expunge is granted, the records shall be expunged in
24 accordance with subparagraph (d)(9)(A) of this
25 Section. An agency providing civil legal aid, as
26 defined in Section 15 of the Public Interest Attorney

1 Assistance Act, assisting individuals seeking to file
2 a motion to vacate and expunge under this subsection
3 may file motions to vacate and expunge with the Chief
4 Judge of a judicial circuit or any judge of the circuit
5 designated by the Chief Judge, and the motion may
6 include more than one individual.

7 (2) Any State's Attorney may file a motion to vacate
8 and expunge a conviction for a Class 4 felony violation of
9 prostitution. Motions to vacate and expunge under this
10 subsection (j) may be filed with the circuit court, Chief
11 Judge of a judicial circuit, or any judge of the circuit
12 court designated by the Chief Judge, and may include more
13 than one individual. When considering the motion to vacate
14 and expunge, a court shall consider the following reasons:

15 (A) the reasons to retain the records provided by
16 law enforcement;

17 (B) the petitioner's age;

18 (C) the petitioner's age at the time of offense;

19 (D) the time since the conviction; and

20 (E) the specific adverse consequences if denied.

21 If the State's Attorney files a motion to vacate and
22 expunge records for felony prostitution convictions
23 pursuant to this Section, the State's Attorney shall
24 notify the Prisoner Review Board within 30 days of the
25 filing. If a motion to vacate and expunge is granted, the
26 records shall be expunged in accordance with subparagraph

1 (d) (9) (A) of this Section.

2 (3) In the public interest, the State's Attorney of a
3 county has standing to file motions to vacate and expunge
4 pursuant to this Section in the circuit court with
5 jurisdiction over the underlying conviction.

6 (4) The Illinois State Police shall allow a person to
7 a use the access and review process, established in the
8 Illinois State Police, for verifying that his or her
9 records relating to felony prostitution eligible under
10 this Section have been expunged.

11 (5) No conviction vacated pursuant to this Section
12 shall serve as the basis for damages for time unjustly
13 served as provided in the Court of Claims Act.

14 (6) Effect of Expungement. A person's right to expunge
15 an expungeable offense shall not be limited under this
16 Section. The effect of an order of expungement shall be to
17 restore the person to the status he or she occupied before
18 the arrest, charge, or conviction.

19 (7) Information. The Illinois State Police shall post
20 general information on its website about the expungement
21 process described in this subsection (j).

22 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
23 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
24 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,
25 eff. 7-1-24; 103-755, eff. 8-2-24; revised 8-9-24.)

1 Section 160. The Department of Transportation Law of the
2 Civil Administrative Code of Illinois is amended by changing
3 Section 2705-440 as follows:

4 (20 ILCS 2705/2705-440) (was 20 ILCS 2705/49.25h)

5 Sec. 2705-440. Intercity Rail Service.

6 (a) For the purposes of providing intercity railroad
7 passenger service within this State and throughout the United
8 States, the Department is authorized to enter into agreements
9 with any state, state agency, unit ~~units~~ of local government
10 or political subdivision ~~subdivisions~~, the Commuter Rail
11 Division of the Regional Transportation Authority (or a public
12 corporation on behalf of that Division), architecture or
13 engineering firm ~~firms~~, the National Railroad Passenger
14 Corporation, any carrier, or any individual, corporation,
15 partnership, or public or private entity. The cost related to
16 such services shall be borne in such proportion as, by
17 agreement or contract the parties may desire.

18 (b) In providing any intercity railroad passenger service
19 as provided in this Section, the Department shall have the
20 following additional powers:

21 (1) to enter into trackage use agreements with rail
22 carriers;

23 (1.5) to freely lease or otherwise contract for any
24 purpose any of the locomotives, passenger railcars, and
25 other rolling stock equipment or accessions to any state

1 or state agency, public or private entity, or quasi-public
2 entities;

3 (2) to enter into haulage agreements with rail
4 carriers;

5 (3) to lease or otherwise contract for use,
6 maintenance, servicing, and repair of any needed
7 locomotives, rolling stock, stations, or other facilities,
8 the lease or contract having a term not to exceed 50 years
9 (but any multi-year contract shall recite that the
10 contract is subject to termination and cancellation,
11 without any penalty, acceleration payment, or other
12 recoupment mechanism, in any fiscal year for which the
13 General Assembly fails to make an adequate appropriation
14 to cover the contract obligation);

15 (4) to enter into management agreements;

16 (5) to include in any contract indemnification of
17 carriers or other parties for any liability with regard to
18 intercity railroad passenger service;

19 (6) to obtain insurance for any losses or claims with
20 respect to the service;

21 (7) to promote the use of the service;

22 (8) to make grants to any body politic and corporate,
23 any unit of local government, or the Commuter Rail
24 Division of the Regional Transportation Authority to cover
25 all or any part of any capital or operating costs of the
26 service and to enter into agreements with respect to those

1 grants;

2 (9) to set any fares or make other regulations with
3 respect to the service, consistent with any contracts for
4 the service; and

5 (10) to otherwise enter into any contracts necessary
6 or convenient to provide rail services, operate or
7 maintain locomotives, passenger railcars, and other
8 rolling stock equipment or accessions, including the lease
9 or use of such locomotives, railcars, equipment, or
10 accessions.

11 (c) All service provided under this Section shall be
12 exempt from all regulations by the Illinois Commerce
13 Commission (other than for safety matters). To the extent the
14 service is provided by the Commuter Rail Division of the
15 Regional Transportation Authority (or a public corporation on
16 behalf of that Division), it shall be exempt from safety
17 regulations of the Illinois Commerce Commission to the extent
18 the Commuter Rail Division adopts its own safety regulations.

19 (d) In connection with any powers exercised under this
20 Section, the Department

21 (1) shall not have the power of eminent domain; and

22 (2) shall not directly operate any railroad service
23 with its own employees.

24 (e) Any contract with the Commuter Rail Division of the
25 Regional Transportation Authority (or a public corporation on
26 behalf of the Division) under this Section shall provide that

1 all costs in excess of revenue received by the Division
2 generated from intercity rail service provided by the Division
3 shall be fully borne by the Department, and no funds for
4 operation of commuter rail service shall be used, directly or
5 indirectly, or for any period of time, to subsidize the
6 intercity rail operation. If at any time the Division does not
7 have sufficient funds available to satisfy the requirements of
8 this Section, the Division shall forthwith terminate the
9 operation of intercity rail service. The payments made by the
10 Department to the Division for the intercity rail passenger
11 service shall not be made in excess of those costs or as a
12 subsidy for costs of commuter rail operations. This shall not
13 prevent the contract from providing for efficient coordination
14 of service and facilities to promote cost effective operations
15 of both intercity rail passenger service and commuter rail
16 services with cost allocations as provided in this paragraph.

17 (f) Whenever the Department enters into an agreement with
18 any carrier for the Department's payment of such railroad
19 required maintenance expenses necessary for intercity
20 passenger service, the Department may deposit such required
21 maintenance funds into an escrow account. Whenever the
22 Department enters into an agreement with any State or State
23 agency, any public or private entity or quasi-public entity
24 for the lease, rental or use of locomotives, passenger
25 railcars, and other rolling stock equipment or accessions, the
26 Department may deposit such receipts into a separate escrow

1 account. For purposes of this subsection, "escrow account" ~~an~~
2 ~~escrow account~~ means any fiduciary account established with
3 (i) any banking corporation which is both organized under the
4 Illinois Banking Act and authorized to accept and administer
5 trusts in this State, or (ii) any national banking association
6 which has its principal place of business in this State and
7 which also is authorized to accept and administer trusts in
8 this State. The funds in any required maintenance escrow
9 account may be withdrawn by the carrier or entity in control of
10 the railroad being maintained, only with the consent of the
11 Department, pursuant to a written maintenance agreement and
12 pursuant to a maintenance plan that shall be updated each
13 year. The funds in an escrow account holding lease payments,
14 use fees, or rental payments may be withdrawn by the
15 Department, only with the consent of the Midwest Fleet Pool
16 Board and deposited into the High-Speed Rail Rolling Stock
17 Fund. The moneys deposited in the escrow accounts shall be
18 invested and reinvested, pursuant to the direction of the
19 Department, in bonds and other interest bearing obligations of
20 this State, or in such accounts, certificates, bills,
21 obligations, shares, pools, or other securities as are
22 authorized for the investment of public funds under the Public
23 Funds Investment Act. Escrow accounts created under this
24 subsection shall not have terms that exceed 20 years. At the
25 end of the term of an escrow account holding lease payments,
26 use fees, or rental payments, the remaining balance shall be

1 deposited in the High-Speed Rail Rolling Stock Fund, a special
2 fund that is created in the State treasury ~~Treasury~~. Moneys in
3 the High-Speed Rail Rolling Stock Fund may be used for any
4 purpose related to locomotives, passenger railcars, and other
5 rolling stock equipment. The Department shall prepare a report
6 for presentation to the Comptroller and the Treasurer each
7 year that shows the amounts deposited and withdrawn, the
8 purposes for withdrawal, the balance, and the amounts derived
9 from investment.

10 (g) Whenever the Department enters into an agreement with
11 any carrier, State or State agency, any public or private
12 entity, or quasi-public entity for costs related to
13 procurement and maintenance of locomotives, passenger
14 railcars, and other rolling stock equipment or accessions, the
15 Department shall deposit such receipts into the High-Speed
16 Rail Rolling Stock Fund. Additionally, the Department may make
17 payments into the High-Speed Rail Rolling Stock Fund for the
18 State's share of the costs related to locomotives, passenger
19 railcars, and other rolling stock equipment.

20 (Source: P.A. 103-707, eff. 1-1-25; revised 11-22-24.)

21 Section 165. The Department of Veterans' Affairs Act is
22 amended by changing Section 40 as follows:

23 (20 ILCS 2805/40)

24 Sec. 40. Notice of veterans and service members' benefits,

1 services, and protections. The Department shall create, and
2 the Department of Labor shall make available, at no cost, a
3 veterans and service members' benefits, services, and
4 protections poster. Such a poster shall include, but not be
5 limited to, information regarding the following:

6 (1) Free veterans' benefits and services provided by
7 the Illinois Department of Veterans' ~~Veterans~~ Affairs and
8 other veterans service organizations;

9 (2) Tax benefits;

10 (3) Illinois veteran driver's license and non-driver
11 veteran identification card;

12 (4) Illinois protections for survivors of sexual
13 violence in the military; and

14 (5) Contact information for the following:

15 (i) The United States Department of Veterans
16 Affairs;

17 (ii) The Illinois Department of Veterans' ~~Veterans~~
18 Affairs; and

19 (iii) The Veterans Crisis Line.

20 (Source: P.A. 103-828, eff. 1-1-25; revised 12-1-24.)

21 Section 170. The Governor's Office of Management and
22 Budget Act is amended by changing Section 2.14 as follows:

23 (20 ILCS 3005/2.14)

24 Sec. 2.14. Annual Comprehensive Financial Report Internal

1 Control Unit. As used in this Section, ~~+~~ "ACFR" means the State
2 Annual Comprehensive Financial Report.

3 There is created within the Governor's Office of
4 Management and Budget an ACFR Internal Control Unit, which
5 shall advise and assist the Director in coordinating the audit
6 of the State Annual Comprehensive Financial Report on behalf
7 of the Governor. The ACFR Internal Control Unit may develop
8 policies, plans, and programs to be used by the Office for the
9 coordination of the financial audit and may advise and assist
10 State agencies, as defined in the Illinois State Auditing Act
11 and under the jurisdiction of the Governor, in improving
12 internal controls related to the State's financial statements
13 and reporting. The ACFR Internal Control Unit is authorized to
14 direct State agencies under the jurisdiction of the Governor
15 in the adoption of internal control procedures and
16 documentation necessary to address internal control
17 deficiencies or resolve ACFR audit findings, and to direct
18 implementation of such corrective actions. Each State agency
19 under the jurisdiction of the Governor shall furnish to the
20 Office such information as the Office may from time to time
21 require, and the Director or any duly authorized employee of
22 the Office shall for the purpose of securing such information,
23 have access to, and the right to examine and receive a copy of
24 all documents, papers, reports, or records of any State agency
25 under the jurisdiction of the Governor to assist in carrying
26 out the Office's responsibilities under this Section.

(Source: P.A. 103-866, eff. 8-9-24; revised 10-21-24.)

Section 175. The Capital Development Board Act is amended by changing Section 10.09-1 as follows:

(20 ILCS 3105/10.09-1)

Sec. 10.09-1. Certification of inspection.

(a) No person may occupy a newly constructed commercial building or a substantially improved commercial building in a non-building code jurisdiction until:

(1) The property owner or property owner's agent has first contracted for the inspection of the building by an inspector who meets the qualifications established by the Board; and

(2) The qualified inspector files a certification of inspection with the municipality or county having such jurisdiction over the property indicating that the building complies with all of the following:

(A) to the extent they do not conflict with the codes and rules listed in subparagraphs (C) through (F), the current edition or most recent preceding edition of the following codes published by the International Code Council:

(i) the International Building Code, including Appendix G and excluding Chapters 11, 13, and 29;

(ii) the International Existing Building Code;

1 (B) to the extent it does not conflict with the
2 codes and rules listed in subparagraphs (C) through
3 (F), the current edition or most recent preceding
4 edition of the National Electrical Code published by
5 the National Fire Protection Association;

6 (C) either:

7 (i) The Energy Efficient Building Code adopted
8 under Section 15 of the Energy Efficient Building
9 Act; or

10 (ii) The Illinois Stretch Energy Code adopted
11 under Section 55 of the Energy Efficient Building
12 Act;

13 (D) the Illinois Accessibility Code adopted under
14 Section 4 of the Environmental Barriers Act;

15 (E) the Illinois Plumbing Code adopted under
16 Section 35 of the Illinois Plumbing License Law; and

17 (F) the rules adopted in accordance with Section 9
18 of the Fire Investigation Act.

19 ~~(3)~~ Once a building permit is issued, the applicable
20 requirements that are in effect on January 1 of the calendar
21 year when the building permit was applied for, or, where a
22 building permit is not required, on January 1 of the calendar
23 year when construction begins, shall be the only requirements
24 that apply for the duration of the building permit or
25 construction.

26 (b) (Blank).

1 (c) The qualification requirements of this Section do not
2 apply to building enforcement personnel employed by a
3 municipality or county who are acting in their official
4 capacity.

5 (d) For purposes of this Section:

6 "Commercial building" means any building other than: (i) a
7 single-family home or a dwelling containing 2 or fewer
8 apartments, condominiums, or townhouses; or (ii) a farm
9 building as exempted from Section 3 of the Illinois
10 Architecture Practice Act of 1989.

11 "Newly constructed commercial building" means any
12 commercial building for which original construction has
13 commenced on or after July 1, 2011.

14 "Non-building code jurisdiction" means any area of the
15 State in a municipality or county having jurisdiction that:
16 (i) has not adopted a building code; or (ii) is required to but
17 has not identified its adopted building code to the Board
18 under Section 10.18 of the Capital Development Board Act.

19 "Qualified inspector" means an individual certified as a
20 commercial building inspector by the International Code
21 Council or an equivalent nationally recognized building
22 inspector certification organization, qualified as a
23 construction and building inspector by successful completion
24 of an apprentice program certified by the United States
25 Department of Labor, or who has filed verification of
26 inspection experience according to rules adopted by the Board

1 for the purposes of conducting inspections in non-building
2 code jurisdictions.

3 "Substantial damage" means damage of any origin sustained
4 by a structure whereby the cost of restoring the structure to
5 its before-damaged condition would equal or exceed 50% of the
6 market value of the structure before damage occurred.

7 "Substantially improved commercial building" means, for
8 work commenced on or after January 1, 2025, any commercial
9 building that has undergone any repair, reconstruction,
10 rehabilitation, alteration, addition, or other improvement,
11 the cost of which equals or exceeds 50% of the market value of
12 the structure before the improvement or repair is started. If
13 a commercial building has sustained substantial damage, any
14 repairs are considered substantial improvement regardless of
15 the actual repair work performed. "Substantially improved
16 commercial building" does not include: (i) any project for
17 improvement of a structure to correct existing violations of
18 State or local health, sanitary, or safety code specifications
19 which have been identified by the local code enforcement
20 official and which are the minimum necessary to assure safe
21 living conditions or (ii) any alteration of a historic
22 structure, provided that the alteration will not preclude the
23 structure's continued designation as a historic structure.

24 (e) Except as provided in Section 15 of the Illinois
25 Residential Building Code Act, new residential construction is
26 exempt from this Section and is defined as any original

1 construction of a single-family home or a dwelling containing
2 2 or fewer apartments, condominiums, or townhouses.

3 (f) Local governments may establish agreements with other
4 governmental entities within the State to issue permits and
5 enforce building codes and may hire third-party providers that
6 are qualified in accordance with this Section to provide
7 inspection services.

8 (g) This Section does not limit the applicability of any
9 other statutorily authorized code or regulation administered
10 by State agencies. These include, without limitation, the
11 codes and regulations listed in subparagraphs (C) through (F)
12 of paragraph (2) of subsection (a).

13 (h) The changes to this Section made by Public Act 103-510
14 ~~this amendatory Act of the 103rd General Assembly~~ shall apply
15 beginning on January 1, 2025.

16 (Source: P.A. 102-558, eff. 8-20-21; 103-510, eff. 1-1-24;
17 revised 7-24-24.)

18 Section 180. The Illinois Emergency Management Agency Act
19 is amended by changing Section 5 as follows:

20 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

21 Sec. 5. Illinois Emergency Management Agency.

22 (a) There is created within the executive branch of the
23 State Government an Illinois Emergency Management Agency and a
24 Director of the Illinois Emergency Management Agency, herein

1 called the "Director" who shall be the head thereof. The
2 Director shall be appointed by the Governor, with the advice
3 and consent of the Senate, and shall serve for a term of 2
4 years beginning on the third Monday in January of the
5 odd-numbered year, and until a successor is appointed and has
6 qualified; except that the term of the first Director
7 appointed under this Act shall expire on the third Monday in
8 January, 1989. The Director shall not hold any other
9 remunerative public office. For terms beginning after January
10 18, 2019 (the effective date of Public Act 100-1179) and
11 before January 16, 2023, the annual salary of the Director
12 shall be as provided in Section 5-300 of the Civil
13 Administrative Code of Illinois. Notwithstanding any other
14 provision of law, for terms beginning on or after January 16,
15 2023, the Director shall receive an annual salary of \$180,000
16 or as set by the Governor, whichever is higher. On July 1,
17 2023, and on each July 1 thereafter, the Director shall
18 receive an increase in salary based on a cost of living
19 adjustment as authorized by Senate Joint Resolution 192 of the
20 86th General Assembly.

21 For terms beginning on or after January 16, 2023, the
22 Assistant Director of the Illinois Emergency Management Agency
23 shall receive an annual salary of \$156,600 or as set by the
24 Governor, whichever is higher. On July 1, 2023, and on each
25 July 1 thereafter, the Assistant Director shall receive an
26 increase in salary based on a cost of living adjustment as

1 authorized by Senate Joint Resolution 192 of the 86th General
2 Assembly.

3 (b) The Illinois Emergency Management Agency shall obtain,
4 under the provisions of the Personnel Code, technical,
5 clerical, stenographic and other administrative personnel, and
6 may make expenditures within the appropriation therefor as may
7 be necessary to carry out the purpose of this Act. The agency
8 created by this Act is intended to be a successor to the agency
9 created under the Illinois Emergency Services and Disaster
10 Agency Act of 1975 and the personnel, equipment, records, and
11 appropriations of that agency are transferred to the successor
12 agency as of June 30, 1988 (the effective date of this Act).

13 (c) The Director, subject to the direction and control of
14 the Governor, shall be the executive head of the Illinois
15 Emergency Management Agency and the State Emergency Response
16 Commission and shall be responsible under the direction of the
17 Governor, for carrying out the program for emergency
18 management of this State. The Director shall also maintain
19 liaison and cooperate with the emergency management
20 organizations of this State and other states and of the
21 federal government.

22 (d) The Illinois Emergency Management Agency shall take an
23 integral part in the development and revision of political
24 subdivision emergency operations plans prepared under
25 paragraph (f) of Section 10. To this end it shall employ or
26 otherwise secure the services of professional and technical

1 personnel capable of providing expert assistance to the
2 emergency services and disaster agencies. These personnel
3 shall consult with emergency services and disaster agencies on
4 a regular basis and shall make field examinations of the
5 areas, circumstances, and conditions that particular political
6 subdivision emergency operations plans are intended to apply.

7 (e) The Illinois Emergency Management Agency and political
8 subdivisions shall be encouraged to form an emergency
9 management advisory committee composed of private and public
10 personnel representing the emergency management phases of
11 mitigation, preparedness, response, and recovery. The Local
12 Emergency Planning Committee, as created under the Illinois
13 Emergency Planning and Community Right to Know Act, shall
14 serve as an advisory committee to the emergency services and
15 disaster agency or agencies serving within the boundaries of
16 that Local Emergency Planning Committee planning district for:

17 (1) the development of emergency operations plan
18 provisions for hazardous chemical emergencies; and

19 (2) the assessment of emergency response capabilities
20 related to hazardous chemical emergencies.

21 (f) The Illinois Emergency Management Agency shall:

22 (1) Coordinate the overall emergency management
23 program of the State.

24 (2) Cooperate with local governments, the federal
25 government, and any public or private agency or entity in
26 achieving any purpose of this Act and in implementing

1 emergency management programs for mitigation,
2 preparedness, response, and recovery.

3 (2.5) Develop a comprehensive emergency preparedness
4 and response plan for any nuclear accident in accordance
5 with Section 65 of the Nuclear Safety Law of 2004 and in
6 development of the Illinois Nuclear Safety Preparedness
7 program in accordance with Section 8 of the Illinois
8 Nuclear Safety Preparedness Act.

9 (2.6) Coordinate with the Department of Public Health
10 with respect to planning for and responding to public
11 health emergencies.

12 (3) Prepare, for issuance by the Governor, executive
13 orders, proclamations, and regulations as necessary or
14 appropriate in coping with disasters.

15 (4) Promulgate rules and requirements for political
16 subdivision emergency operations plans that are not
17 inconsistent with and are at least as stringent as
18 applicable federal laws and regulations.

19 (5) Review and approve, in accordance with Illinois
20 Emergency Management Agency rules, emergency operations
21 plans for those political subdivisions required to have an
22 emergency services and disaster agency pursuant to this
23 Act.

24 (5.5) Promulgate rules and requirements for the
25 political subdivision emergency management exercises,
26 including, but not limited to, exercises of the emergency

1 operations plans.

2 (5.10) Review, evaluate, and approve, in accordance
3 with Illinois Emergency Management Agency rules, political
4 subdivision emergency management exercises for those
5 political subdivisions required to have an emergency
6 services and disaster agency pursuant to this Act.

7 (6) Determine requirements of the State and its
8 political subdivisions for food, clothing, and other
9 necessities in event of a disaster.

10 (7) Establish a register of persons with types of
11 emergency management training and skills in mitigation,
12 preparedness, response, and recovery.

13 (8) Establish a register of government and private
14 response resources available for use in a disaster.

15 (9) Expand the Earthquake Awareness Program and its
16 efforts to distribute earthquake preparedness materials to
17 schools, political subdivisions, community groups, civic
18 organizations, and the media. Emphasis will be placed on
19 those areas of the State most at risk from an earthquake.
20 Maintain the list of all school districts, hospitals,
21 airports, power plants, including nuclear power plants,
22 lakes, dams, emergency response facilities of all types,
23 and all other major public or private structures which are
24 at the greatest risk of damage from earthquakes under
25 circumstances where the damage would cause subsequent harm
26 to the surrounding communities and residents.

1 (10) Disseminate all information, completely and
2 without delay, on water levels for rivers and streams and
3 any other data pertaining to potential flooding supplied
4 by the Division of Water Resources within the Department
5 of Natural Resources to all political subdivisions to the
6 maximum extent possible.

7 (11) Develop agreements, if feasible, with medical
8 supply and equipment firms to supply resources as are
9 necessary to respond to an earthquake or any other
10 disaster as defined in this Act. These resources will be
11 made available upon notifying the vendor of the disaster.
12 Payment for the resources will be in accordance with
13 Section 7 of this Act. The Illinois Department of Public
14 Health shall determine which resources will be required
15 and requested.

16 (11.5) In coordination with the Illinois State Police,
17 develop and implement a community outreach program to
18 promote awareness among the State's parents and children
19 of child abduction prevention and response.

20 (12) Out of funds appropriated for these purposes,
21 award capital and non-capital grants to Illinois hospitals
22 or health care facilities located outside of a city with a
23 population in excess of 1,000,000 to be used for purposes
24 that include, but are not limited to, preparing to respond
25 to mass casualties and disasters, maintaining and
26 improving patient safety and quality of care, and

1 protecting the confidentiality of patient information. No
2 single grant for a capital expenditure shall exceed
3 \$300,000. No single grant for a non-capital expenditure
4 shall exceed \$100,000. In awarding such grants, preference
5 shall be given to hospitals that serve a significant
6 number of Medicaid recipients, but do not qualify for
7 disproportionate share hospital adjustment payments under
8 the Illinois Public Aid Code. To receive such a grant, a
9 hospital or health care facility must provide funding of
10 at least 50% of the cost of the project for which the grant
11 is being requested. In awarding such grants the Illinois
12 Emergency Management Agency shall consider the
13 recommendations of the Illinois Hospital Association.

14 (13) Do all other things necessary, incidental or
15 appropriate for the implementation of this Act.

16 (g) The Illinois Emergency Management Agency is authorized
17 to make grants to various higher education institutions,
18 public K-12 school districts, area vocational centers as
19 designated by the State Board of Education, inter-district
20 special education cooperatives, regional safe schools, and
21 nonpublic K-12 schools for safety and security improvements.
22 For the purpose of this subsection (g), "higher education
23 institution" means a public university, a public community
24 college, or an independent, not-for-profit or for-profit
25 higher education institution located in this State. Grants
26 made under this subsection (g) shall be paid out of moneys

1 appropriated for that purpose from the Build Illinois Bond
2 Fund. The Illinois Emergency Management Agency shall adopt
3 rules to implement this subsection (g). These rules may
4 specify: (i) the manner of applying for grants; (ii) project
5 eligibility requirements; (iii) restrictions on the use of
6 grant moneys; (iv) the manner in which the various higher
7 education institutions must account for the use of grant
8 moneys; and (v) any other provision that the Illinois
9 Emergency Management Agency determines to be necessary or
10 useful for the administration of this subsection (g).

11 (g-5) The Illinois Emergency Management Agency is
12 authorized to make grants to not-for-profit organizations
13 which are exempt from federal income taxation under section
14 501(c)(3) of the Federal Internal Revenue Code for eligible
15 security improvements that assist the organization in
16 preventing, preparing for, or responding to threats, attacks,
17 or acts of terrorism. To be eligible for a grant under the
18 program, the Agency must determine that the organization is at
19 a high risk of being subject to threats, attacks, or acts of
20 terrorism based on the organization's profile, ideology,
21 mission, or beliefs. Eligible security improvements shall
22 include all eligible preparedness activities under the federal
23 Nonprofit Security Grant Program, including, but not limited
24 to, physical security upgrades, security training exercises,
25 preparedness training exercises, contracting with security
26 personnel, and any other security upgrades deemed eligible by

1 the Director. Eligible security improvements shall not
2 duplicate, in part or in whole, a project included under any
3 awarded federal grant or in a pending federal application. The
4 Director shall establish procedures and forms by which
5 applicants may apply for a grant and procedures for
6 distributing grants to recipients. Any security improvements
7 awarded shall remain at the physical property listed in the
8 grant application, unless authorized by Agency rule or
9 approved by the Agency in writing. The procedures shall
10 require each applicant to do the following:

11 (1) identify and substantiate prior or current
12 threats, attacks, or acts of terrorism against the
13 not-for-profit organization;

14 (2) indicate the symbolic or strategic value of one or
15 more sites that renders the site a possible target of a
16 threat, attack, or act of terrorism;

17 (3) discuss potential consequences to the organization
18 if the site is damaged, destroyed, or disrupted by a
19 threat, attack, or act of terrorism;

20 (4) describe how the grant will be used to integrate
21 organizational preparedness with broader State and local
22 preparedness efforts, as described by the Agency in each
23 Notice of Opportunity for Funding;

24 (5) submit (i) a vulnerability assessment conducted by
25 experienced security, law enforcement, or military
26 personnel, or conducted using an Agency-approved or

1 federal Nonprofit Security Grant Program self-assessment
2 tool, and (ii) a description of how the grant award will be
3 used to address the vulnerabilities identified in the
4 assessment; and

5 (6) submit any other relevant information as may be
6 required by the Director.

7 The Agency is authorized to use funds appropriated for the
8 grant program described in this subsection (g-5) to administer
9 the program. Any Agency Notice of Opportunity for Funding,
10 proposed or final rulemaking, guidance, training opportunity,
11 or other resource related to the grant program must be
12 published on the Agency's publicly available website, and any
13 announcements related to funding shall be shared with all
14 State legislative offices, the Governor's office, emergency
15 services and disaster agencies mandated or required pursuant
16 to subsections (b) through (d) of Section 10, and any other
17 State agencies as determined by the Agency. Subject to
18 appropriation, the grant application period shall be open for
19 no less than 45 calendar days during the first application
20 cycle each fiscal year, unless the Agency determines that a
21 shorter period is necessary to avoid conflicts with the annual
22 federal Nonprofit Security Grant Program funding cycle.
23 Additional application cycles may be conducted during the same
24 fiscal year, subject to availability of funds. Upon request,
25 Agency staff shall provide reasonable assistance to any
26 applicant in completing a grant application or meeting a

1 post-award requirement.

2 In addition to any advance payment rules or procedures
3 adopted by the Agency, the Agency shall adopt rules or
4 procedures by which grantees under this subsection (g-5) may
5 receive a working capital advance of initial start-up costs
6 and up to 2 months of program expenses, not to exceed 25% of
7 the total award amount, if, during the application process,
8 the grantee demonstrates a need for funds to commence a
9 project. The remaining funds must be paid through
10 reimbursement after the grantee presents sufficient supporting
11 documentation of expenditures for eligible activities.

12 (h) Except as provided in Section 17.5 of this Act, any
13 moneys received by the Agency from donations or sponsorships
14 unrelated to a disaster shall be deposited in the Emergency
15 Planning and Training Fund and used by the Agency, subject to
16 appropriation, to effectuate planning and training activities.
17 Any moneys received by the Agency from donations during a
18 disaster and intended for disaster response or recovery shall
19 be deposited into the Disaster Response and Recovery Fund and
20 used for disaster response and recovery pursuant to the
21 Disaster Relief Act.

22 (i) The Illinois Emergency Management Agency may by rule
23 assess and collect reasonable fees for attendance at
24 Agency-sponsored conferences to enable the Agency to carry out
25 the requirements of this Act. Any moneys received under this
26 subsection shall be deposited in the Emergency Planning and

1 Training Fund and used by the Agency, subject to
2 appropriation, for planning and training activities.

3 (j) The Illinois Emergency Management Agency is authorized
4 to make grants to other State agencies, public universities,
5 units of local government, and statewide mutual aid
6 organizations to enhance statewide emergency preparedness and
7 response.

8 (k) Subject to appropriation from the Emergency Planning
9 and Training Fund, the Illinois Emergency Management Agency
10 and Office of Homeland Security shall obtain training services
11 and support for local emergency services and support for local
12 emergency services and disaster agencies for training,
13 exercises, and equipment related to carbon dioxide pipelines
14 and sequestration, and, subject to the availability of
15 funding, shall provide \$5,000 per year to the Illinois Fire
16 Service Institute for first responder training required under
17 Section 4-615 of the Public Utilities Act. Amounts in the
18 Emergency Planning and Training Fund will be used by the
19 Illinois Emergency Management Agency and Office of Homeland
20 Security for administrative costs incurred in carrying out the
21 requirements of this subsection. To carry out the purposes of
22 this subsection, the Illinois Emergency Management Agency and
23 Office of Homeland Security may accept moneys from all
24 authorized sources into the Emergency Planning and Training
25 Fund, including, but not limited to, transfers from the Carbon
26 Dioxide Sequestration Administrative Fund and the Public

1 Utility Fund.

2 (1) ~~(*)~~ The Agency shall do all other things necessary,
3 incidental, or appropriate for the implementation of this Act,
4 including the adoption of rules in accordance with the
5 Illinois Administrative Procedure Act.

6 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
7 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.
8 1-1-24; 103-588, eff. 1-1-25; 103-651, eff. 7-18-24; 103-999,
9 eff. 1-1-25; revised 11-26-24.)

10 Section 185. The Historic Preservation Act is amended by
11 changing Sections 4.7, 16, and 21 as follows:

12 (20 ILCS 3405/4.7)

13 Sec. 4.7. State Historic Preservation Board.

14 (a) The State Historic Preservation Board is hereby
15 created within the Department.

16 (b) The Board shall consist of 9 voting members appointed
17 by the Governor and the Director of the Department, or the
18 Director's designee, who shall serve as an ex officio
19 ~~ex-officio~~ nonvoting member of the Board. Of the members
20 appointed by the Governor:

21 (1) 2 members shall have a relevant background in
22 public history or a background in teaching or researching
23 either the history of Illinois or the history of
24 historically marginalized communities;

1 (2) one member shall have experience in library
2 studies or archival work in Illinois;

3 (3) 3 members shall be representatives of a
4 community-based organization working on historic
5 preservation in Illinois;

6 (4) one member shall have experience with the federal
7 Americans with Disabilities Act of 1990;

8 (5) one member shall have experience working on
9 federal historic designations; and

10 (6) one member shall be a museum professional.

11 The chairperson of the Board shall be named by the
12 Governor from among the voting members of the Board. Each
13 member of the Board shall serve a 3-year term and until a
14 successor is appointed by the Governor. The Governor may
15 remove a Board member for incompetence, dereliction of duty,
16 or malfeasance. Of those members appointed by the Governor, at
17 least 5 of the members shall represent historically excluded
18 and marginalized people. The Governor's Office, with the
19 assistance of the Department, shall be responsible for
20 ensuring that 5 of the appointed members of the Board consist
21 of people who represent historically excluded and marginalized
22 people. Knowledge in the following areas shall be prioritized
23 in making appointments to the Board: the culture, traditions,
24 and history of American Indians and Native Americans, Black
25 Americans, Latinos, Latinas, and Hispanic Americans, Asian
26 Americans and Pacific Islanders, the LGBTQIA+ community,

1 immigrants and refugees, people with disabilities, and
2 veterans' organizations; women's history; the history of
3 Illinois' agriculture, architecture, armed forces, arts,
4 civics, cultural geography, ecology, education, faith-based
5 communities, folklore, government, industry, labor, law,
6 medicine, and transportation; anthropology; archaeology;
7 cultural exhibits and museums; heritage tourism; historic
8 preservation; and social justice.

9 (c) Board meetings shall be called at regular intervals
10 set by the Board, on the request of the Department, or upon
11 written notice signed by at least 5 members of the Board, but
12 in no event less than once quarterly.

13 (d) A majority of the members of the Board constitutes a
14 quorum for the transaction of business at a meeting of the
15 Board. If a quorum is met, a majority of the members present
16 and serving is required for official action of the Board.

17 (e) All business that the Board is authorized to perform
18 shall be conducted at a public meeting of the Board, held in
19 compliance with the Open Meetings Act.

20 (f) Public records of the Board are subject to disclosure
21 under the Freedom of Information Act.

22 (g) The members of the Board shall serve without
23 compensation but shall be entitled to reimbursement for all
24 necessary expenses incurred in the performance of their
25 official duties as members of the Board from funds
26 appropriated for that purpose. Reimbursement for travel,

1 meals, and lodging shall be in accordance with the rules of the
2 Governor's Travel Control Board.

3 (h) The Board has the following powers and duties:

4 (1) The Board shall adopt rules in accordance with the
5 Illinois Administrative Procedure Act, for the
6 administration and execution of the powers granted under
7 this Act. All rules that are authorized to be adopted
8 under this Act shall be adopted after consultation with
9 and written approval by the Department.

10 (2) The Board shall list, delist, create specific list
11 designations, create designation definitions, create
12 property assessment criteria, or change the listing
13 designation of State Historic Sites. Such actions shall be
14 undertaken by administrative rule. The listing, delisting,
15 creation of specific list designations or designation
16 definitions, or change of listing designation by the Board
17 shall only be done with the written approval of the
18 Director of Natural Resources. When listing, delisting, or
19 making a change of listing designation, the Board shall
20 consider, but is not limited to, the following:

21 (A) the budgetary impact on the full historic
22 sites portfolio when taking such action;

23 (B) if the action includes the stories of
24 historically excluded and marginalized people;

25 (C) the geographic balance of the portfolio;

26 (D) disability access;

1 (E) opportunities to coordinate with federal
2 historic designations or federal funding
3 opportunities; and

4 (F) any other criteria that have been set out in
5 administrative rule.

6 (3) The Board shall advise the Department on methods
7 of assistance, protection, conservation, and management of
8 State Historic Sites, which are all subject to Department
9 approval and available appropriations to implement those
10 recommendations.

11 (i) The Department shall provide administrative support to
12 the Board.

13 (Source: P.A. 103-768, eff. 8-2-24; revised 10-24-24.)

14 (20 ILCS 3405/16) (from Ch. 127, par. 2716)

15 Sec. 16. The Department shall have the following
16 additional powers:

17 (a) To hire agents and employees necessary to carry
18 out the duties and purposes of this Act.

19 (b) To take all measures necessary to erect, maintain,
20 preserve, restore, and conserve all State Historic Sites,
21 except when supervision and maintenance is otherwise
22 provided by law. This authorization includes the power to
23 enter into contracts, acquire and dispose of real and
24 personal property, and enter into leases of real and
25 personal property. The Department has the power to

1 acquire, for purposes authorized by law, any real property
2 in fee simple subject to a life estate in the seller in not
3 more than 3 acres of the real property acquired, subject
4 to the restrictions that the life estate shall be used for
5 residential purposes only and that it shall be
6 non-transferable.

7 (c) To provide recreational facilities, including
8 campsites, lodges and cabins, trails, picnic areas, and
9 related recreational facilities, at all sites under the
10 jurisdiction of the Department.

11 (d) To lay out, construct, and maintain all needful
12 roads, parking areas, paths or trails, bridges, camp or
13 lodge sites, picnic areas, lodges and cabins, and any
14 other structures and improvements necessary and
15 appropriate in any State historic site or easement
16 thereto; and to provide water supplies, heat and light,
17 and sanitary facilities for the public and living quarters
18 for the custodians and keepers of State historic sites.

19 (e) To grant licenses and rights-of-way within the
20 areas controlled by the Department for the construction,
21 operation, and maintenance upon, under or across the
22 property, of facilities for water, sewage, telephone,
23 telegraph, electric, gas, or other public service, subject
24 to the terms and conditions as may be determined by the
25 Department.

26 (f) To authorize the officers, employees, and agents

1 of the Department, for the purposes of investigation and
2 to exercise the rights, powers, and duties vested and that
3 may be vested in it, to enter and cross all lands and
4 waters in this State, doing no damage to private property.

5 (g) To transfer jurisdiction of or exchange any realty
6 under the control of the Department to any other
7 Department of the State Government, or to any agency of
8 the Federal Government, or to acquire or accept Federal
9 lands, when any transfer, exchange, acquisition, or
10 acceptance is advantageous to the State and is approved in
11 writing by the Governor.

12 (h) To erect, supervise, and maintain all public
13 monuments and memorials erected by the State, except when
14 the supervision and maintenance of public monuments and
15 memorials is otherwise provided by law.

16 (i) To accept, hold, maintain, and administer, as
17 trustee, property given in trust for educational or
18 historic purposes for the benefit of the People of the
19 State of Illinois and to dispose of any property under the
20 terms of the instrument creating the trust.

21 (j) To lease concessions on any property under the
22 jurisdiction of the Department for a period not exceeding
23 25 years and to lease a concession complex at Lincoln's
24 New Salem State Historic Site for which a cash incentive
25 has been authorized under Section 5.1 of this Act for a
26 period not to exceed 40 years. All leases, for whatever

1 period, shall be made subject to the written approval of
2 the Governor. All concession leases extending for a period
3 in excess of 10 years, will contain provisions for the
4 Department to participate, on a percentage basis, in the
5 revenues generated by any concession operation.

6 The Department is authorized to allow for provisions
7 for a reserve account and a leasehold account within
8 Department concession lease agreements for the purpose of
9 setting aside revenues for the maintenance,
10 rehabilitation, repair, improvement, and replacement of
11 the concession facility, structure, and equipment of the
12 Department that are part of the leased premises.

13 The lessee shall be required to pay into the reserve
14 account a percentage of gross receipts, as set forth in
15 the lease, to be set aside and expended in a manner
16 acceptable to the Department by the concession lessee for
17 the purpose of ensuring that an appropriate amount of the
18 lessee's moneys are provided by the lessee to satisfy the
19 lessee's incurred responsibilities for the operation of
20 the concession facility under the terms and conditions of
21 the concession lease.

22 The lessee account shall allow for the amortization of
23 certain authorized expenses that are incurred by the
24 concession lessee but that are not an obligation of the
25 lessee under the terms and conditions of the lease
26 agreement. The Department may allow a reduction of up to

1 50% of the monthly rent due for the purpose of enabling the
2 recoupment of the lessee's authorized expenditures during
3 the term of the lease.

4 (k) To sell surplus agricultural products grown on
5 land owned by or under the jurisdiction of the Department,
6 when the products cannot be used by the Department.

7 (l) To enforce the laws of the State and the rules and
8 regulations of the Department in or on any lands owned,
9 leased, or managed by the Department.

10 (m) To cooperate with private organizations and
11 agencies of the State of Illinois by providing areas and
12 the use of staff personnel where feasible for the sale of
13 publications on the historic and cultural heritage of the
14 State and craft items made by Illinois craftsmen. These
15 sales shall not conflict with existing concession
16 agreements. The Department is authorized to negotiate with
17 the organizations and agencies for a portion of the monies
18 received from sales to be returned to the Illinois
19 Historic Sites Fund for the furtherance of interpretive
20 and restoration programs.

21 (n) To establish local bank or savings and loan
22 association accounts, upon the written authorization of
23 the Director, to temporarily hold income received at any
24 of its properties. The local accounts established under
25 this Section shall be in the name of the Department and
26 shall be subject to regular audits. The balance in a local

1 bank or savings and loan association account shall be
2 forwarded to the Department for deposit with the State
3 Treasurer on Monday of each week if the amount to be
4 deposited in a fund exceeds \$500.

5 No bank or savings and loan association shall receive
6 public funds as permitted by this Section, unless it has
7 complied with the requirements established under Section 6
8 of the Public Funds Investment Act.

9 (o) To accept offers of gifts, gratuities, or grants
10 from the federal government, its agencies, or offices, or
11 from any person, firm, or corporation.

12 (p) To make reasonable rules and regulations as may be
13 necessary to discharge the duties of the Department.

14 (q) With appropriate cultural organizations, to
15 further and advance the goals of the Department.

16 (r) To make grants for the purposes of planning,
17 survey, rehabilitation, restoration, reconstruction,
18 landscaping, and acquisition of Illinois properties (i)
19 designated individually in the National Register of
20 Historic Places, (ii) designated as a landmark under a
21 county or municipal landmark ordinance, or (iii) located
22 within a National Register of Historic Places historic
23 district or a locally designated historic district when
24 the Director determines that the property is of historic
25 significance whenever an appropriation is made therefor by
26 the General Assembly or whenever gifts or grants are

1 received for that purpose and to promulgate regulations as
2 may be necessary or desirable to carry out the purposes of
3 the grants.

4 Grantees may, as prescribed by rule, be required to
5 provide matching funds for each grant. Grants made under
6 this subsection shall be known as Illinois Heritage
7 Grants.

8 Every owner of a historic property, or the owner's
9 agent, is eligible to apply for a grant under this
10 subsection.

11 (s) To establish and implement a pilot program for
12 charging admission to State historic sites. Fees may be
13 charged for special events, admissions, and parking or any
14 combination; fees may be charged at all sites or selected
15 sites. All fees shall be deposited into the Illinois
16 Historic Sites Fund. The Department shall have the
17 discretion to set and adjust reasonable fees at the
18 various sites, taking into consideration various factors,
19 including, but not limited to: cost of services furnished
20 to each visitor, impact of fees on attendance and tourism,
21 and the costs expended collecting the fees. The Department
22 shall keep careful records of the income and expenses
23 resulting from the imposition of fees, shall keep records
24 as to the attendance at each historic site, and shall
25 report to the Governor and General Assembly by January 31
26 after the close of each year. The report shall include

1 information on costs, expenses, attendance, comments by
2 visitors, and any other information the Department may
3 believe pertinent, including:

4 (1) Recommendations as to whether fees should be
5 continued at each State historic site.

6 (2) How the fees should be structured and imposed.

7 (3) Estimates of revenues and expenses associated
8 with each site.

9 (t) To provide for overnight tent and trailer
10 campsites and to provide suitable housing facilities for
11 student and juvenile overnight camping groups. The
12 Department shall charge rates similar to those charged by
13 the Department for the same or similar facilities and
14 services.

15 (u) To engage in marketing activities designed to
16 promote the sites and programs administered by the
17 Department. In undertaking these activities, the
18 Department may take all necessary steps with respect to
19 products and services, including, but not limited to,
20 retail sales, wholesale sales, direct marketing, mail
21 order sales, telephone sales, advertising and promotion,
22 purchase of product and materials inventory, design,
23 printing and manufacturing of new products, reproductions,
24 and adaptations, copyright and trademark licensing and
25 royalty agreements, and payment of applicable taxes. In
26 addition, the Department shall have the authority to sell

1 advertising in its publications and printed materials. All
2 income from marketing activities shall be deposited into
3 the Illinois Historic Sites Fund.

4 (v) To review and approve in writing rules adopted by
5 the Board.

6 (Source: P.A. 102-1005, eff. 5-27-22; 103-616, eff. 7-1-24;
7 103-768, eff. 8-2-24; revised 10-7-24.)

8 (20 ILCS 3405/21)

9 Sec. 21. Annual report. Beginning in 2025, the Department
10 shall submit an annual report, on or before June 30, to the
11 General Assembly containing a full list of the State Historic
12 Sites and the sites' ~~sites~~ designations, as recommended by the
13 Board and approved by the Department.

14 (Source: P.A. 103-768, eff. 8-2-24; revised 10-24-24.)

15 Section 190. The Illinois Housing Development Act is
16 amended by changing Section 16 as follows:

17 (20 ILCS 3805/16) (from Ch. 67 1/2, par. 316)

18 Sec. 16. The notes and bonds issued under this Act shall be
19 authorized by resolution of the members of the Authority,
20 shall bear such date or dates, and shall mature at such time or
21 times, in the case of any note, or any renewal thereof, not
22 exceeding 15 years (or such longer time not exceeding 25 years
23 if the Authority shall determine, with respect to notes issued

1 in anticipation of bonds, that a longer maturity date is
2 required in order to assure the ability to issue the bonds),
3 from the date of issue of such original note, and in the case
4 of any bond not exceeding 50 years from the date of issue, as
5 the resolution may provide. The bonds may be issued as serial
6 bonds or as term bonds or as a combination thereof. The notes
7 and bonds shall bear interest at such rate or rates as shall be
8 determined by the members of the Authority by the resolution
9 authorizing issuance of the bonds and notes provided, however,
10 that notes and bonds issued after July 1, 1983, shall bear
11 interest at such rate or rates not exceeding the greater of (i)
12 the maximum rate established in the Bond Authorization Act ~~"An~~
13 ~~Act to authorize public corporations to issue bonds, other~~
14 ~~evidences of indebtedness and tax anticipation warrants~~
15 ~~subject to interest rate limitations set forth therein",~~
16 ~~approved May 26, 1970,~~ as from time to time in effect; (ii) 11%
17 per annum; or (iii) 70% of the prime commercial rate in effect
18 at the time the contract is made. In the event the Authority
19 issues notes or bonds not exempt from income taxation under
20 the Internal Revenue Code of 1954, as amended, such notes or
21 bonds shall bear interest at a rate or rates as shall be
22 determined by the members of the Authority by the resolution
23 authorizing issuance of the bonds and notes. Prime commercial
24 rate means such prime rate as from time to time is publicly
25 announced by the largest commercial banking institution
26 located in this State, measured in terms of total assets. A

1 contract is made with respect to notes or bonds when the
2 Authority is contractually obligated to issue and sell such
3 notes or bonds to a purchaser who is contractually obligated
4 to purchase them. The notes and bonds shall be in such
5 denominations, be in such form, either coupon or registered,
6 carry such registration privileges, be executed in such
7 manner, be payable in such medium of payment, at such place or
8 places and be subject to such terms of redemption as such
9 resolution or resolutions may provide. The notes and bonds of
10 the Authority may be sold by the Authority, at public or
11 private sale, at such price or prices as the Authority shall
12 determine.

13 In lieu of establishing the rate at which notes or bonds of
14 the Authority shall bear interest and the price at which the
15 notes or bonds shall be sold, the resolution authorizing their
16 issuance may set maximum and minimum prices, interest rates,
17 and annual interest cost to the Authority for that issue of
18 notes or bonds (computed as the resolution shall provide),
19 such that the difference between the maximum and minimum
20 annual interest cost shall not exceed 1% of the principal
21 amount of the notes or bonds. Such a resolution shall
22 authorize any 2 ~~two~~ of the Chairman, Treasurer, or Director
23 (or in the Director's absence, the Deputy Director) to
24 establish the actual price and interest rate within the range
25 established by the resolution. In lieu of establishing the
26 dates, maturities, or other terms of the notes or bonds, the

1 resolution authorizing their issuance may authorize any 2 ~~two~~
2 of the Chairman, Treasurer, or Director (or in the Director's
3 absence, the Deputy Director) to establish such dates,
4 maturities, and other terms within ranges or criteria
5 established by the resolution.

6 In connection with the issuance of its notes and bonds,
7 the Authority may enter into arrangements to provide
8 additional security and liquidity for the notes and bonds.
9 These may include, without limitation, letters of credit,
10 lines of credit by which the Authority may borrow funds to pay
11 or redeem its notes or bonds, and purchase or remarketing
12 arrangements for assuring the ability of owners of the
13 Authority's notes and bonds to sell or to have redeemed their
14 notes and bonds. The Authority may enter into contracts and
15 may agree to pay fees to persons providing such arrangements,
16 but only under circumstances in which the total interest paid
17 or to be paid on the notes or bonds, together with the fees for
18 the arrangements (being treated as if interest), would not,
19 taken together, cause the notes or bonds to bear interest,
20 calculated to their absolute maturity, at a rate in excess of
21 the maximum rate allowed by this Act.

22 The resolution of the Authority authorizing the issuance
23 of its notes or bonds may provide that interest rates may vary
24 from time to time depending upon criteria established by the
25 Authority, which may include, without limitation, a variation
26 in interest rates as may be necessary to cause notes or bonds

1 to be remarketable from time to time at a price equal to their
2 principal amount (or compound accredited value in case of
3 original issue discount bonds), and may provide for
4 appointment of a national banking association, bank, trust
5 company, investment bank, or other financial institution to
6 serve as a remarketing agent in that connection. The
7 resolution of the Authority authorizing the issuance of its
8 notes or bonds may provide that alternative interest rates or
9 provisions will apply during such times as the notes or bonds
10 are held by a person providing a letter of credit or other
11 credit enhancement arrangement for those notes or bonds.
12 Notwithstanding any other provisions of law, there shall be no
13 statutory limitation on the interest rates which such variable
14 rate notes and bonds may bear from time to time.

15 In addition to the other authorizations contained in this
16 Section, the Authority may adopt a resolution or resolutions
17 granting to any 2 ~~two~~ of the Chairman, Treasurer, or Director
18 (or in the Director's absence, the Deputy Director) the power
19 to authorize issuance of notes or bonds, or both, on behalf of
20 the Authority from time to time without further resolution of
21 the Authority. Any such resolution shall contain a statement
22 of the maximum aggregate amount of notes or bonds that may be
23 outstanding at any one time pursuant to the authorization
24 granted in such resolution. Such resolution shall also contain
25 a statement of the period of time during which such notes or
26 bonds of the Authority may be so issued. Such resolution shall

1 also delegate specifically or generally to the persons
2 empowered to authorize issuance of the notes or bonds the
3 authority to establish or approve any or all matters relating
4 to the issuance and sale of the notes or bonds, which may
5 include the interest rates, if any, which the notes or bonds
6 shall bear and the prices (including premiums or discounts, if
7 any) at which they shall be issued and sold, or the criteria
8 upon which such interest rates and prices may vary, the
9 appointment of remarketing agents, the approval of alternative
10 interest rates, whether there shall be any statutory or other
11 limitation on the interest rates which such notes or bonds may
12 bear (treating as if interest the fees for any arrangements to
13 provide additional security and liquidity for the notes and
14 bonds), and the dates, maturities, and other terms and
15 conditions on which the notes or bonds shall be issued and
16 sold. Any or all of such matters may vary from issue to issue
17 and within an issue. Any such resolution may set forth the
18 criteria by which any or all of the matters entrusted to the
19 persons designated in such resolution are to be established or
20 approved, and may grant the power to authorize issuance of
21 notes or bonds which are exempt from income taxation under the
22 Internal Revenue Code of 1954, as amended, or which are not
23 exempt.

24 Notwithstanding any other provision of law, and in
25 addition to any other authority provided by law, with respect
26 to mortgage or other loans made by it, the Authority may

1 require payments of principal, make interest charges, and
2 impose prepayment premiums or penalties (in addition to any
3 fees or charges made by the Authority) so that such principal,
4 interest and premiums or penalties are sufficient to enable
5 the Authority to pay when due all principal, interest, and
6 redemption premiums or penalties on any notes or bonds issued
7 by the Authority to finance or continue the financing of such
8 loans (including a proportionate share of such bonds or notes
9 issued to fund reserves or to cover any discount) and to make
10 any required deposits in any reserve funds; and any contract
11 relating to any mortgage or other loan made by the Authority
12 may provide for changes during its term in the rate at which
13 interest shall be paid, to the extent the changes are provided
14 for in order to enable the Authority to make payments with
15 respect to bonds or notes as provided in this Section.

16 (Source: P.A. 85-1450; revised 7-18-24.)

17 Section 195. The Increasing Representation of Women in
18 Technology Task Force Act is amended by changing Section 5 as
19 follows:

20 (20 ILCS 4131/5)

21 (Section scheduled to be repealed on January 1, 2030)

22 Sec. 5. Increasing Representation of Women in Technology
23 Task Force; membership.

24 (a) The Increasing Representation of Women in Technology

1 Task Force is hereby established within the Illinois Workforce
2 Innovation Board.

3 (b) The Task Force shall consist of the following members:

4 (1) one member of the Senate, appointed by the
5 President of the Senate;

6 (2) one member of the Senate, appointed by the
7 Minority Leader of the Senate;

8 (3) one member of the House of Representatives,
9 appointed by the Speaker of the House of Representatives;

10 (4) one member of the House of Representatives,
11 appointed by the Minority Leader of the House of
12 Representatives;

13 (5) the Director of the Governor's Office of
14 Management and Budget, or the Director's designee;

15 (6) one member representing a statewide labor
16 organization, appointed by the Governor;

17 (7) one member representing a national laboratory that
18 is a multi-disciplinary science and engineering research
19 center, appointed by the Governor;

20 (8) the Chief Equity Officer of the State of Illinois
21 Office of Equity or the Chief Equity Officer's designee;

22 (9) one member representing local or State economic
23 development interests, appointed by the Governor;

24 (10) one member representing women in technology,
25 appointed by the Governor;

26 (11) one member representing a technology

1 manufacturing corporation, appointed by the Governor;

2 (12) 4 members representing companies that have been
3 recognized for the recruitment, advancement, and retention
4 of women in technology positions and the corresponding
5 management chain in the last 3 years, appointed by the
6 Governor;

7 (13) one member from a community-based organization
8 that supports women in technology, appointed by the
9 Governor;

10 (14) the Vice Chancellor of Diversity, Equity &
11 Inclusion of the University of Illinois Office of the Vice
12 Chancellor of Diversity, Equity & Inclusion, or the Vice
13 Chancellor's designee;

14 (15) the Executive Director of the Illinois Community
15 College Board, or the Executive Director's designee;

16 (16) one member with knowledge of diversity, equity,
17 and inclusion best practices from an advocacy group
18 representing women in technology, appointed by the
19 Governor; and

20 (17) a chairperson of the Illinois Workforce
21 Innovation Board, appointed by the Illinois Workforce
22 Innovation Board, or that chairperson's designee.

23 (c) The members of the Task Force shall serve without
24 compensation.

25 (d) The Task Force shall meet at least quarterly to
26 fulfill its duties under this Act. At the first meeting of the

1 Task Force, the Task Force shall elect 2 co-chairs ~~cochairs~~;
2 one chair shall be a standing member of the Illinois Workforce
3 Innovation Board, and one chair shall be selected from among
4 members of the Task Force.

5 (e) The Illinois Workforce Innovation Board shall, in
6 consultation with an Illinois public college or university,
7 provide administrative and other support to the Task Force.

8 (Source: P.A. 103-912, eff. 1-1-25; revised 12-1-24.)

9 Section 200. The Water Plan Task Force Act is amended by
10 changing Section 10 as follows:

11 (20 ILCS 4132/10)

12 Sec. 10. State Water Plan Task Force.

13 (a) There shall be established within State government and
14 universities an interagency task force which shall be known as
15 the State Water Plan Task Force. The Task Force shall be
16 chaired by the Director of the Office of Water Resources of the
17 Department of Natural Resources and composed of the directors,
18 or their designee, from the following State entities:

19 (1) The Office of Resource Conservation of the
20 Department of Natural Resources.

21 (2) The Department of Public Health.

22 (3) The Environmental Protection Agency.

23 (4) The Department of Transportation.

24 (5) The Department of Agriculture.

1 (6) The Department of Transportation.

2 (7) The Illinois Emergency Management Agency and
3 Office of Homeland Security.

4 (8) The Pollution Control Board

5 (9) The Department of Commerce and Economic
6 Opportunity.

7 (10) The State Water Survey of the University of
8 Illinois.

9 (11) The Water Resource Center of the University of
10 Illinois.

11 (b) The Task Force shall coordinate with State agencies
12 and universities to develop a concise plan for addressing
13 water issues facing the State.

14 (c) The Task Force shall:

15 (1) identify critical water issues;

16 (2) develop recommendations to address critical water
17 topic issues;

18 (3) implement recommendations; and

19 (4) reevaluate critical water issues and needs.

20 (d) The Task Force shall publish a State Water Plan not
21 less than every 10 years. The Plan shall include:

22 (1) Identification of critical water topics needing
23 specific attention in this State based on stakeholder
24 input sought and provided during the plan development.

25 (2) A Topic Lead as an individual from the Task Force
26 membership responsible for ensuring the development of the

Topic Lead's assigned critical topic section of the Plan.

(3) (Blank). ~~Plan development shall include public outreach phases to obtain feedback on the most critical water issues faced by the State and how to address those issues.~~

(4) Recommendations related to the identified issues for each critical topic, including, but not limited to:

(A) New State programs or modification to existing programs.

(B) New or modified existing policy within a program or agency.

(C) New or modified legislation.

(D) Requests for a study or research to be completed.

(E) Proposals or designs of a construction project.

(F) Funding requests for the above listed recommendations.

Plan development shall include public outreach phases to obtain feedback on the most critical water issues faced by the State and how to address those issues.

~~(5)~~ No more than 2 years shall be used to develop a new Plan.

~~(6)~~ The Task Force shall develop and maintain a publicly available website or portal that summarizes projects of the Task Force.

1 (e) The Task Force shall be responsible for developing
2 membership voting and operational rules.

3 (f) The Task Force shall meet not less than once per
4 quarter each calendar year to:

5 (1) Update the status of the Plan recommendations by
6 providing an ~~a~~ implementation summary that will be
7 published to the official Task Force website or portal.

8 (2) Review, evaluate, and publish an annual report
9 showing the implementation status for each of the Plan's
10 recommendations.

11 (g) The Task Force shall have the authority to:

12 (1) Create and use subtask forces or committees to
13 identify ~~identifying~~ critical issues and implement
14 ~~implementing~~ recommendations related to the Plan.

15 (2) Publish special reports specific to critical
16 topics to add clarification and provide additional details
17 of action needed.

18 (3) Review and evaluate State laws, rules,
19 regulations, and procedures that relate to water needs in
20 the state.

21 (4) Recommend procedures for better coordination among
22 State water-related programs, with local programs and
23 stakeholder groups.

24 (5) Recommend and prioritize the State's water-related
25 ~~water-related~~ research needs.

26 (6) Review, coordinate, and evaluate water data

1 collection, analysis, and public sharing.

2 (7) Allow member entities to request annual
3 appropriations to resource necessary staff participation
4 on the Task Force and resource Plan development.

5 (Source: P.A. 103-917, eff. 1-1-25; revised 12-1-24.)

6 Section 205. The Family Recovery Plans Implementation Task
7 Force Act is amended by changing Sections 15 and 35 as follows:

8 (20 ILCS 4133/15)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 15. Composition. The Family Recovery Plan
11 Implementation Task Force is created within the Department of
12 Human Services and shall consist of members appointed as
13 follows:

14 (1) The President of the Senate, or his or her
15 designee, shall appoint: one member of the Senate; one
16 member representing a statewide organization that
17 advocates on behalf of community-based services for
18 children and families; and one member from a statewide
19 organization representing a majority of hospitals.

20 (2) The Senate Minority Leader, or his or her
21 designee, shall appoint: one member of the Senate; one
22 member from an organization conducting quality improvement
23 initiatives to improve perinatal health; and one member
24 with relevant lived experience, as recommended by a

1 reproductive justice advocacy organization with expertise
2 in perinatal and infant health and birth equity.

3 (3) The Speaker of the House of Representatives, or
4 his or her designee, shall appoint: one member of the
5 House of Representatives; one member who is a licensed
6 obstetrician-gynecologist, as recommended by a statewide
7 organization representing obstetricians and
8 gynecologists; and one member with relevant lived
9 experience, as recommended by a reproductive justice
10 advocacy organization with expertise in perinatal and
11 infant health and birth equity.

12 (4) The House Minority Leader, or his or her designee,
13 shall appoint: one member of the House of Representatives;
14 one member who is a licensed physician specializing in
15 child abuse and neglect, as recommended by a statewide
16 organization representing pediatricians; and one member
17 who is a licensed physician specializing in perinatal
18 substance use disorder treatment, as recommended by a
19 statewide organization representing physicians.

20 (5) The Director of Children and Family Services, or
21 the Director's designee.

22 (6) The exclusive collective bargaining representative
23 of the majority of front-line employees at the Department
24 of Children and Family Services, or the representative's
25 designee.

26 (7) The Secretary of Human Services, or the

1 Secretary's designee.

2 (8) The Director of Public Health, or the Director's
3 designee.

4 (9) The Cook County Public Guardian, or the Cook
5 County Public Guardian's designee.

6 (Source: P.A. 103-941, eff. 8-9-24; revised 10-21-24.)

7 (20 ILCS 4133/35)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 35. Repeal. The Task Force is dissolved, and this Act
10 is repealed, on ~~7~~ January 1, 2027.

11 (Source: P.A. 103-941, eff. 8-9-24; revised 10-21-24.)

12 Section 210. The Opportunities for At-Risk Women Act is
13 amended by changing Section 10 as follows:

14 (20 ILCS 5075/10)

15 Sec. 10. Duties of the Task Force.

16 (a) The Task Force shall strategize and design a plan for
17 the Department of Commerce and Economic Opportunity to partner
18 and outsource with State and local governmental agencies,
19 companies, and organizations that aid in helping at-risk women
20 and their families become successful productive citizens.

21 (b) This partnership will include material distribution of
22 available resources offered in their communities as well as
23 referrals to organizations and companies that provide

1 necessary services to aid ~~aid~~ in their success. The following
2 are targeted areas of assistance and outsourcing: housing
3 assistance; educational information on enhancement and
4 advancement; parenting and family bonding classes; financial
5 education and literacy, including budgeting; quality
6 afterschool programming, including tutoring; self-esteem and
7 empowerment classes; healthy relationships classes for the
8 entire family, including warning signs and appropriate
9 handling of bullying; integrity classes; social etiquette
10 classes; job preparedness workshops; temperament behavior
11 classes, including anger management; addiction and recovery
12 clinics, including referrals; health education classes; job
13 training opportunities; and the expansion of Redeploy Illinois
14 into Cook County.

15 (c) For the purposes of this Act, "at-risk women" means
16 women who are at increased risk of incarceration because of
17 poverty, abuse, addiction, financial challenges, illiteracy,
18 or other causes. The term "at-risk women" may include, but
19 shall not be limited to, women who have previously been
20 incarcerated.

21 (Source: P.A. 99-416, eff. 1-1-16; revised 7-24-24.)

22 Section 215. The Legislative Commission Reorganization Act
23 of 1984 is amended by changing Section 4-2.1 as follows:

24 (25 ILCS 130/4-2.1)

1 Sec. 4-2.1. Federal program functions. The Commission on
2 Government Forecasting and Accountability is established as
3 the information center for the General Assembly in the field
4 of federal-state relations and as State Central Information
5 Reception Agency for the purpose of receiving information from
6 federal agencies under the United States Office of Management
7 and Budget circular A-98 and the United States Department of
8 the Treasury Circular TC-1082 or any successor circulars
9 promulgated under authority of the United States
10 Intergovernmental ~~Inter governmental~~ Cooperation Act of 1968.
11 Its powers and duties in this capacity include, but are not
12 limited to:

13 (a) Compiling and maintaining current information on
14 available and pending federal aid programs for the use of
15 the General Assembly and legislative agencies;

16 (b) Analyzing the relationship of federal aid programs
17 with state and locally financed programs, and assessing
18 the impact of federal aid programs on the State generally;

19 (c) Reporting annually to the General Assembly on the
20 adequacy of programs financed by federal aid in the State,
21 the types and nature of federal aid programs in which
22 State agencies or local governments did not participate,
23 and to make recommendations on such matters;

24 (d) Cooperating with the Governor's Office of
25 Management and Budget and with any State of Illinois
26 offices located in Washington, D.C., in obtaining

1 information concerning federal grant-in-aid legislation
2 and proposals having an impact on the State of Illinois;

3 (e) (Blank);

4 (f) Receiving from every State agency, other than
5 State colleges and universities, agencies of legislative
6 and judicial branches of State government, and elected
7 State executive officers not including the Governor, all
8 applications for federal grants, contracts and agreements
9 and notification of any awards of federal funds and any
10 and all changes in the programs, in awards, in program
11 duration, in schedule of fund receipts, and in estimated
12 costs to the State of maintaining the program if and when
13 federal assistance is terminated, or in direct and
14 indirect costs, of any grant under which they are or
15 expect to be receiving federal funds;

16 (g) (Blank); and

17 (h) Reporting such information as is received under
18 subparagraph (f) to the President and Minority Leader of
19 the Senate and the Speaker and Minority Leader of the
20 House of Representatives and their respective
21 appropriation staffs and to any member of the General
22 Assembly on a monthly basis at the request of the member.

23 The State colleges and universities, the agencies of the
24 legislative and judicial branches of State government, and the
25 elected State executive officers, not including the Governor,
26 shall submit to the Commission on Government Forecasting and

1 Accountability, in a manner prescribed by the Commission on
2 Government Forecasting and Accountability, summaries of
3 applications for federal funds filed and grants of federal
4 funds awarded.

5 (Source: P.A. 103-616, eff. 7-1-24; revised 10-23-24.)

6 Section 220. The Legislative Reference Bureau Act is
7 amended by changing Section 5.04 as follows:

8 (25 ILCS 135/5.04) (from Ch. 63, par. 29.4)

9 Sec. 5.04. Codification and revision of statutes.

10 (a) As soon as possible after the effective date of this
11 amendatory Act of 1992, the Legislative Reference Bureau shall
12 file with the Index Division of the Office of the Secretary of
13 State, the General Assembly, the Governor, and the Supreme
14 Court a compilation of the general Acts of Illinois. At that
15 time and at any other time the Legislative Reference Bureau
16 may file with the Index Division of the Office of the Secretary
17 of State cross-reference tables comparing the compilation and
18 the Illinois Revised Statutes. The Legislative Reference
19 Bureau shall provide copies of the documents that are filed to
20 each individual or entity that delivers a written request for
21 copies to the Legislative Reference Bureau; the Legislative
22 Reference Bureau, by resolution, may establish and charge a
23 reasonable fee for providing copies. The compilation shall
24 take effect on January 1, 1993. The compilation shall be cited

1 as the "Illinois Compiled Statutes" or as "ILCS". The Illinois
2 Compiled Statutes, including the statutes themselves and the
3 organizational and numbering scheme, shall be an official
4 compilation of the general Acts of Illinois and shall be
5 entirely in the public domain for purposes of federal
6 copyright law.

7 (b) The compilation document that is filed under
8 subsection (a) shall divide the general Acts into major topic
9 areas and into chapters within those areas; the document shall
10 list the general Acts by title or short title, but need not
11 contain the text of the statutes or specify individual
12 Sections of Acts. Chapters shall be numbered. Each Act shall
13 be assigned to a chapter and shall be ordered within that
14 chapter. An Act prefix number shall be designated for each Act
15 within each chapter. Chapters may be divided into subheadings.
16 Citation to a section of ILCS shall be in the form "X ILCS
17 Y/Z(A)", where X is the chapter number, Y is the Act prefix
18 number, Z is the Section number of the Act, Y/Z is the section
19 number in the chapter of ILCS, and A is the year of
20 publication, if applicable.

21 (c) The Legislative Reference Bureau shall make additions,
22 deletions, and changes to the organizational or numbering
23 scheme of the Illinois Compiled Statutes by filing appropriate
24 documents with the Index Department ~~Division~~ of the Office of
25 the Secretary of State. The Legislative Reference Bureau shall
26 also provide copies of the documents that are filed to each

1 individual or entity that delivers a written request for
2 copies to the Legislative Reference Bureau; the Legislative
3 Reference Bureau, by resolution, may establish and charge a
4 reasonable fee for providing copies. The additions, deletions,
5 and changes to the organizational or numbering scheme of the
6 Illinois Compiled Statutes shall take effect 30 days after
7 filing with the Index Department ~~Division~~.

8 (d) Omission of an effective Act or Section of an Act from
9 ILCS does not alter the effectiveness of that Act or Section.
10 Inclusion of a repealed Act or Section of an Act in ILCS does
11 not affect the repeal of that Act or Section.

12 (e) In order to allow for an efficient transition to the
13 organizational and numbering scheme of the Illinois Compiled
14 Statutes, the State, units of local government, school
15 districts, and other governmental entities may, for a
16 reasonable period of time, continue to use forms, computer
17 software, systems, and data, published rules, and any other
18 electronically stored information and printed documents that
19 contain references to the Illinois Revised Statutes. However,
20 reports of criminal, traffic, and other offenses and
21 violations that are part of a state-wide reporting system
22 shall continue to be made by reference to the Illinois Revised
23 Statutes until July 1, 1994, and on and after that date shall
24 be made by reference to the Illinois Compiled Statutes, except
25 that an earlier conversion date may be established by
26 agreement among all of the following: the Supreme Court, the

1 Secretary of State, the Director of State Police, the Circuit
2 Clerk of Cook County, and the Circuit Clerk of DuPage County,
3 or the designee of each. References to the Illinois Revised
4 Statutes are deemed to be references to the corresponding
5 provisions of the Illinois Compiled Statutes.

6 (f) The Legislative Reference Bureau, with the assistance
7 of the Legislative Information System, shall make its
8 electronically stored database of the statutes and the
9 compilation available in an electronically stored medium to
10 those who request it; the Legislative Reference Bureau, by
11 resolution, shall establish and charge a reasonable fee for
12 providing the information.

13 (g) Amounts received under this Section shall be deposited
14 into the General Assembly Computer Equipment Revolving Fund.

15 (h) The Legislative Reference Bureau shall select subjects
16 and chapters of the statutory law that it considers most in
17 need of a revision and present to the next regular session of
18 the General Assembly bills covering those revisions. In
19 connection with those revisions, the Legislative Reference
20 Bureau has full authority and responsibility to recommend the
21 revision, simplification, and rearrangement of existing
22 statutory law and the elimination from that law of obsolete,
23 superseded, duplicated, and unconstitutional statutes or parts
24 of statutes, but shall make no other changes in the substance
25 of existing statutes, except to the extent those changes in
26 substance are necessary for coherent revision, simplification,

1 rearrangement, or elimination. Revisions reported to the
2 General Assembly may be accompanied by explanatory statements
3 of changes in existing statutes or parts of statutes that
4 those revisions, if enacted, would effect.

5 (Source: P.A. 86-523; 87-1005; revised 7-18-24.)

6 Section 225. The State Finance Act is amended by setting
7 forth and renumbering multiple versions of Sections 5.1015,
8 5.1016, 5.1017, and 6z-140 and by changing Sections 6z-82,
9 8.3, and 8g-1 as follows:

10 (30 ILCS 105/5.1015)

11 Sec. 5.1015. The Professions Licensure Fund.

12 (Source: P.A. 103-588, eff. 6-5-24.)

13 (30 ILCS 105/5.1016)

14 Sec. 5.1016. The Restore Fund.

15 (Source: P.A. 103-588, eff. 6-5-24.)

16 (30 ILCS 105/5.1017)

17 Sec. 5.1017. The Health Equity and Access Fund.

18 (Source: P.A. 103-588, eff. 6-5-24.)

19 (30 ILCS 105/5.1018)

20 Sec. 5.1018 ~~5.1015~~. The Medical Debt Relief Pilot Program
21 Fund.

(Source: P.A. 103-647, eff. 7-1-24; revised 9-23-24.)

(30 ILCS 105/5.1019)

Sec. 5.1019 ~~5.1015~~. The Carbon Dioxide Sequestration
Administrative Fund.

(Source: P.A. 103-651, eff. 7-18-24; revised 9-23-24.)

(30 ILCS 105/5.1020)

Sec. 5.1020 ~~5.1015~~. The International Brotherhood of
Electrical Workers Fund.

(Source: P.A. 103-665, eff. 1-1-25; revised 12-3-24.)

(30 ILCS 105/5.1021)

Sec. 5.1021 ~~5.1015~~. The Local Food Infrastructure Grant
Fund.

(Source: P.A. 103-772, eff. 8-2-24; revised 9-23-24.)

(30 ILCS 105/5.1022)

Sec. 5.1022 ~~5.1015~~. The Illinois USTA/Midwest Youth Tennis
Foundation Fund.

(Source: P.A. 103-911, eff. 1-1-25; revised 12-3-24.)

(30 ILCS 105/5.1023)

Sec. 5.1023 ~~5.1015~~. The Healthy Forests, Wetlands, and
Prairies Grant Fund.

(Source: P.A. 103-923, eff. 1-1-25; revised 12-3-24.)

(30 ILCS 105/5.1024)

Sec. 5.1024 ~~5.1015~~. The Sons of the American Legion Fund.
(Source: P.A. 103-933, eff. 1-1-25; revised 12-3-24.)

(30 ILCS 105/5.1025)

Sec. 5.1025 ~~5.1015~~. The Real Estate Recovery Fund.
(Source: P.A. 103-1039, eff. 8-9-24; revised 9-23-24.)

(30 ILCS 105/5.1026)

Sec. 5.1026 ~~5.1016~~. The Environmental Justice Grant Fund.
(Source: P.A. 103-651, eff. 7-18-24; revised 9-23-24.)

(30 ILCS 105/5.1027)

Sec. 5.1027 ~~5.1017~~. The Water Resources Fund.
(Source: P.A. 103-651, eff. 7-18-24; revised 9-23-24.)

(30 ILCS 105/6z-82)

Sec. 6z-82. State Police Operations Assistance Fund.
(a) There is created in the State treasury a special fund known as the State Police Operations Assistance Fund. The Fund shall receive revenue under the Criminal and Traffic Assessment Act. The Fund may also receive revenue from grants, donations, appropriations, and any other legal source.

(a-5) This Fund may charge, collect, and receive fees or moneys as described in Section 15-312 of the Illinois Vehicle

1 Code and receive all fees received by the Illinois State
2 Police under that Section. The moneys shall be used by the
3 Illinois State Police for its expenses in providing police
4 escorts and commercial vehicle enforcement activities.

5 (b) The Illinois State Police may use moneys in the Fund to
6 finance any of its lawful purposes or functions.

7 (c) Expenditures may be made from the Fund only as
8 appropriated by the General Assembly by law.

9 (d) Investment income that is attributable to the
10 investment of moneys in the Fund shall be retained in the Fund
11 for the uses specified in this Section.

12 (e) The State Police Operations Assistance Fund shall not
13 be subject to administrative chargebacks.

14 (f) (Blank).

15 (g) (Blank).

16 (h) (Blank). ~~June 9, 2023 (Public Act 103-34)~~

17 (Source: P.A. 102-16, eff. 6-17-21; 102-505, eff. 8-20-21;
18 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-34, eff.
19 6-9-23; 103-363, eff. 7-28-23; 103-605, eff. 7-1-24; 103-616,
20 eff. 7-1-24; revised 7-23-24.)

21 (30 ILCS 105/6z-140)

22 Sec. 6z-140. Professions Licensure Fund. The Professions
23 Licensure Fund is created as a special fund in the State
24 treasury. The Fund may receive revenue from any authorized
25 source, including, but not limited to, gifts, grants, awards,

1 transfers, and appropriations. Subject to appropriation, the
2 Department of Financial and Professional Regulation may use
3 moneys in the Fund for costs directly associated with the
4 procurement of electronic data processing software, licenses,
5 or any other information technology system products and for
6 the ongoing costs of electronic data processing software,
7 licenses, or other information technology system products
8 related to the granting, renewal, or administration of all
9 licenses under the Department's jurisdiction.

10 (Source: P.A. 103-588, eff. 6-5-24.)

11 (30 ILCS 105/6z-143)

12 Sec. 6z-143 ~~6z-140~~. Medical Debt Relief Pilot Program
13 Fund. The Medical Debt Relief Pilot Program Fund is created as
14 a special fund in the State treasury. All moneys in the Fund
15 shall be appropriated to the Department of Healthcare and
16 Family Services and expended exclusively for the Medical Debt
17 Relief Pilot Program to provide grant funding to a nonprofit
18 medical debt relief coordinator to be used to discharge the
19 medical debt of eligible residents as defined in the Medical
20 Debt Relief Act. Based on a budget approved by the Department,
21 the grant funding may also be used for any administrative
22 services provided by the nonprofit medical debt relief
23 coordinator to discharge the medical debt of eligible
24 residents.

25 (Source: P.A. 103-647, eff. 7-1-24; revised 9-24-24.)

1 (30 ILCS 105/8.3)

2 Sec. 8.3. Money in the Road Fund shall, if and when the
3 State of Illinois incurs any bonded indebtedness for the
4 construction of permanent highways, be set aside and used for
5 the purpose of paying and discharging annually the principal
6 and interest on that bonded indebtedness then due and payable,
7 and for no other purpose. The surplus, if any, in the Road Fund
8 after the payment of principal and interest on that bonded
9 indebtedness then annually due shall be used as follows:

10 first -- to pay the cost of administration of Chapters
11 2 through 10 of the Illinois Vehicle Code, except the cost
12 of administration of Articles I and II of Chapter 3 of that
13 Code, and to pay the costs of the Executive Ethics
14 Commission for oversight and administration of the Chief
15 Procurement Officer appointed under paragraph (2) of
16 subsection (a) of Section 10-20 of the Illinois
17 Procurement Code for transportation; and

18 secondly -- for expenses of the Department of
19 Transportation for construction, reconstruction,
20 improvement, repair, maintenance, operation, and
21 administration of highways in accordance with the
22 provisions of laws relating thereto, or for any purpose
23 related or incident to and connected therewith, including
24 the separation of grades of those highways with railroads
25 and with highways and including the payment of awards made

1 by the Illinois Workers' Compensation Commission under the
2 terms of the Workers' Compensation Act or Workers'
3 Occupational Diseases Act for injury or death of an
4 employee of the Division of Highways in the Department of
5 Transportation; or for the acquisition of land and the
6 erection of buildings for highway purposes, including the
7 acquisition of highway right-of-way or for investigations
8 to determine the reasonably anticipated future highway
9 needs; or for making of surveys, plans, specifications and
10 estimates for and in the construction and maintenance of
11 flight strips and of highways necessary to provide access
12 to military and naval reservations, to defense industries
13 and defense-industry sites, and to the sources of raw
14 materials and for replacing existing highways and highway
15 connections shut off from general public use at military
16 and naval reservations and defense-industry sites, or for
17 the purchase of right-of-way, except that the State shall
18 be reimbursed in full for any expense incurred in building
19 the flight strips; or for the operating and maintaining of
20 highway garages; or for patrolling and policing the public
21 highways and conserving the peace; or for the operating
22 expenses of the Department relating to the administration
23 of public transportation programs; or, during fiscal year
24 2024, for the purposes of a grant not to exceed \$9,108,400
25 to the Regional Transportation Authority on behalf of PACE
26 for the purpose of ADA/Para-transit expenses; or, during

1 fiscal year 2025, for the purposes of a grant not to exceed
2 \$10,020,000 to the Regional Transportation Authority on
3 behalf of PACE for the purpose of ADA/Para-transit
4 expenses; or for any of those purposes or any other
5 purpose that may be provided by law.

6 Appropriations for any of those purposes are payable from
7 the Road Fund. Appropriations may also be made from the Road
8 Fund for the administrative expenses of any State agency that
9 are related to motor vehicles or arise from the use of motor
10 vehicles.

11 Beginning with fiscal year 1980 and thereafter, no Road
12 Fund monies shall be appropriated to the following Departments
13 or agencies of State government for administration, grants, or
14 operations; but this limitation is not a restriction upon
15 appropriating for those purposes any Road Fund monies that are
16 eligible for federal reimbursement:

17 1. Department of Public Health;

18 2. Department of Transportation, only with respect to
19 subsidies for one-half fare Student Transportation and
20 Reduced Fare for Elderly, except fiscal year 2024 when no
21 more than \$19,063,500 may be expended and except fiscal
22 year 2025 when no more than \$20,969,900 may be expended;

23 3. Department of Central Management Services, except
24 for expenditures incurred for group insurance premiums of
25 appropriate personnel;

26 4. Judicial Systems and Agencies.

1 Beginning with fiscal year 1981 and thereafter, no Road
2 Fund monies shall be appropriated to the following Departments
3 or agencies of State government for administration, grants, or
4 operations; but this limitation is not a restriction upon
5 appropriating for those purposes any Road Fund monies that are
6 eligible for federal reimbursement:

7 1. Illinois State Police, except for expenditures with
8 respect to the Division of Patrol and Division of Criminal
9 Investigation;

10 2. Department of Transportation, only with respect to
11 Intercity Rail Subsidies, except fiscal year 2024 when no
12 more than \$60,000,000 may be expended and except fiscal
13 year 2025 when no more than \$67,000,000 may be expended,
14 and Rail Freight Services.

15 Beginning with fiscal year 1982 and thereafter, no Road
16 Fund monies shall be appropriated to the following Departments
17 or agencies of State government for administration, grants, or
18 operations; but this limitation is not a restriction upon
19 appropriating for those purposes any Road Fund monies that are
20 eligible for federal reimbursement: Department of Central
21 Management Services, except for awards made by the Illinois
22 Workers' Compensation Commission under the terms of the
23 Workers' Compensation Act or Workers' Occupational Diseases
24 Act for injury or death of an employee of the Division of
25 Highways in the Department of Transportation.

26 Beginning with fiscal year 1984 and thereafter, no Road

1 Fund monies shall be appropriated to the following Departments
2 or agencies of State government for administration, grants, or
3 operations; but this limitation is not a restriction upon
4 appropriating for those purposes any Road Fund monies that are
5 eligible for federal reimbursement:

6 1. Illinois State Police, except not more than 40% of
7 the funds appropriated for the Division of Patrol and
8 Division of Criminal Investigation;

9 2. State Officers.

10 Beginning with fiscal year 1984 and thereafter, no Road
11 Fund monies shall be appropriated to any Department or agency
12 of State government for administration, grants, or operations
13 except as provided hereafter; but this limitation is not a
14 restriction upon appropriating for those purposes any Road
15 Fund monies that are eligible for federal reimbursement. It
16 shall not be lawful to circumvent the above appropriation
17 limitations by governmental reorganization or other methods.
18 Appropriations shall be made from the Road Fund only in
19 accordance with the provisions of this Section.

20 Money in the Road Fund shall, if and when the State of
21 Illinois incurs any bonded indebtedness for the construction
22 of permanent highways, be set aside and used for the purpose of
23 paying and discharging during each fiscal year the principal
24 and interest on that bonded indebtedness as it becomes due and
25 payable as provided in the General Obligation Bond Act, and
26 for no other purpose. The surplus, if any, in the Road Fund

1 after the payment of principal and interest on that bonded
2 indebtedness then annually due shall be used as follows:

3 first -- to pay the cost of administration of Chapters
4 2 through 10 of the Illinois Vehicle Code; and

5 secondly -- no Road Fund monies derived from fees,
6 excises, or license taxes relating to registration,
7 operation and use of vehicles on public highways or to
8 fuels used for the propulsion of those vehicles, shall be
9 appropriated or expended other than for costs of
10 administering the laws imposing those fees, excises, and
11 license taxes, statutory refunds and adjustments allowed
12 thereunder, administrative costs of the Department of
13 Transportation, including, but not limited to, the
14 operating expenses of the Department relating to the
15 administration of public transportation programs, payment
16 of debts and liabilities incurred in construction and
17 reconstruction of public highways and bridges, acquisition
18 of rights-of-way for and the cost of construction,
19 reconstruction, maintenance, repair, and operation of
20 public highways and bridges under the direction and
21 supervision of the State, political subdivision, or
22 municipality collecting those monies, or during fiscal
23 year 2024 for the purposes of a grant not to exceed
24 \$9,108,400 to the Regional Transportation Authority on
25 behalf of PACE for the purpose of ADA/Para-transit
26 expenses, or during fiscal year 2025 for the purposes of a

1 grant not to exceed \$10,020,000 to the Regional
2 Transportation Authority on behalf of PACE for the purpose
3 of ADA/Para-transit expenses, and the costs for patrolling
4 and policing the public highways (by the State, political
5 subdivision, or municipality collecting that money) for
6 enforcement of traffic laws. The separation of grades of
7 such highways with railroads and costs associated with
8 protection of at-grade highway and railroad crossing shall
9 also be permissible.

10 Appropriations for any of such purposes are payable from
11 the Road Fund or the Grade Crossing Protection Fund as
12 provided in Section 8 of the Motor Fuel Tax Law.

13 Except as provided in this paragraph, beginning with
14 fiscal year 1991 and thereafter, no Road Fund monies shall be
15 appropriated to the Illinois State Police for the purposes of
16 this Section in excess of its total fiscal year 1990 Road Fund
17 appropriations for those purposes unless otherwise provided in
18 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
19 2006, and 2007 only, no Road Fund monies shall be appropriated
20 to the Department of State Police for the purposes of this
21 Section in excess of \$97,310,000. For fiscal year 2008 only,
22 no Road Fund monies shall be appropriated to the Department of
23 State Police for the purposes of this Section in excess of
24 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
25 shall be appropriated to the Department of State Police for
26 the purposes of this Section in excess of \$114,700,000.

1 Beginning in fiscal year 2010, no Road Fund moneys shall be
2 appropriated to the Illinois State Police. It shall not be
3 lawful to circumvent this limitation on appropriations by
4 governmental reorganization or other methods unless otherwise
5 provided in Section 5g of this Act.

6 In fiscal year 1994, no Road Fund monies shall be
7 appropriated to the Secretary of State for the purposes of
8 this Section in excess of the total fiscal year 1991 Road Fund
9 appropriations to the Secretary of State for those purposes,
10 plus \$9,800,000. It shall not be lawful to circumvent this
11 limitation on appropriations by governmental reorganization or
12 other method.

13 Beginning with fiscal year 1995 and thereafter, no Road
14 Fund monies shall be appropriated to the Secretary of State
15 for the purposes of this Section in excess of the total fiscal
16 year 1994 Road Fund appropriations to the Secretary of State
17 for those purposes. It shall not be lawful to circumvent this
18 limitation on appropriations by governmental reorganization or
19 other methods.

20 Beginning with fiscal year 2000, total Road Fund
21 appropriations to the Secretary of State for the purposes of
22 this Section shall not exceed the amounts specified for the
23 following fiscal years:

24	Fiscal Year 2000	\$80,500,000;
25	Fiscal Year 2001	\$80,500,000;
26	Fiscal Year 2002	\$80,500,000;

1	Fiscal Year 2003	\$130,500,000;
2	Fiscal Year 2004	\$130,500,000;
3	Fiscal Year 2005	\$130,500,000;
4	Fiscal Year 2006	\$130,500,000;
5	Fiscal Year 2007	\$130,500,000;
6	Fiscal Year 2008	\$130,500,000;
7	Fiscal Year 2009	\$130,500,000.

8 For fiscal year 2010, no road fund moneys shall be
9 appropriated to the Secretary of State.

10 Beginning in fiscal year 2011, moneys in the Road Fund
11 shall be appropriated to the Secretary of State for the
12 exclusive purpose of paying refunds due to overpayment of fees
13 related to Chapter 3 of the Illinois Vehicle Code unless
14 otherwise provided for by law.

15 Beginning in fiscal year 2025, moneys in the Road Fund may
16 be appropriated to the Environmental Protection Agency for the
17 exclusive purpose of making deposits into the Electric Vehicle
18 Rebate Fund, subject to appropriation, to be used for purposes
19 consistent with Section 11 of Article IX of the Illinois
20 Constitution.

21 It shall not be lawful to circumvent this limitation on
22 appropriations by governmental reorganization or other
23 methods.

24 No new program may be initiated in fiscal year 1991 and
25 thereafter that is not consistent with the limitations imposed
26 by this Section for fiscal year 1984 and thereafter, insofar

1 as appropriation of Road Fund monies is concerned.

2 Nothing in this Section prohibits transfers from the Road
3 Fund to the State Construction Account Fund under Section 5e
4 of this Act; nor to the General Revenue Fund, as authorized by
5 Public Act 93-25.

6 The additional amounts authorized for expenditure in this
7 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
8 shall be repaid to the Road Fund from the General Revenue Fund
9 in the next succeeding fiscal year that the General Revenue
10 Fund has a positive budgetary balance, as determined by
11 generally accepted accounting principles applicable to
12 government.

13 The additional amounts authorized for expenditure by the
14 Secretary of State and the Department of State Police in this
15 Section by Public Act 94-91 shall be repaid to the Road Fund
16 from the General Revenue Fund in the next succeeding fiscal
17 year that the General Revenue Fund has a positive budgetary
18 balance, as determined by generally accepted accounting
19 principles applicable to government.

20 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
21 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.
22 6-7-23; 103-34, eff. 1-1-24; 103-588, eff. 6-5-24; 103-605,
23 eff. 7-1-24; 103-616, eff. 7-1-24; revised 8-5-24.)

24 (30 ILCS 105/8g-1)

25 Sec. 8g-1. Fund transfers.

1 ~~(a) (Blank)~~.

2 ~~(b) (Blank)~~.

3 ~~(c) (Blank)~~.

4 ~~(d) (Blank)~~.

5 ~~(e) (Blank)~~.

6 ~~(f) (Blank)~~.

7 ~~(g) (Blank)~~.

8 ~~(h) (Blank)~~.

9 ~~(i) (Blank)~~.

10 ~~(j) (Blank)~~.

11 ~~(k) (Blank)~~.

12 ~~(l) (Blank)~~.

13 ~~(m) (Blank)~~.

14 ~~(n) (Blank)~~.

15 ~~(o) (Blank)~~.

16 ~~(p) (Blank)~~.

17 ~~(q) (Blank)~~.

18 ~~(r) (Blank)~~.

19 ~~(s) (Blank)~~.

20 ~~(t) (Blank)~~.

21 ~~(u) (Blank)~~.

22 ~~(v) (Blank)~~.

23 ~~(w) (Blank)~~.

24 ~~(x) (Blank)~~.

25 ~~(y) (Blank)~~.

26 ~~(z) (Blank)~~.

~~(aa) (Blank).~~

~~(bb) (Blank).~~

~~(cc) (Blank).~~

~~(dd) (Blank).~~

~~(ee) (Blank).~~

~~(ff) (Blank).~~

~~(gg) (Blank).~~

~~(hh) (Blank).~~

~~(ii) (Blank).~~

~~(jj) (Blank).~~

~~(kk) (Blank).~~

~~(ll) (Blank).~~

~~(mm)~~ In addition to any other transfers that may be provided for by law, beginning on June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8) ~~this amendatory Act of the 103rd General Assembly~~ and until June 30, 2024, as directed by the Governor, the State Comptroller shall direct and the State Treasurer shall transfer up to a total of \$1,500,000,000 from the General Revenue Fund to the State Coronavirus Urgent Remediation Emergency Fund.

~~(nn)~~ In addition to any other transfers that may be provided for by law, beginning on June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8) ~~this amendatory Act of the 103rd General Assembly~~ and until June 30, 2024, as directed by the Governor, the State

1 Comptroller shall direct and the State Treasurer shall
2 transfer up to a total of \$424,000,000 from the General
3 Revenue Fund to the Build Illinois Bond Fund.

4 ~~(cc)~~ In addition to any other transfers that may be
5 provided for by law, on July 1, 2023, or as soon thereafter as
6 practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$500,000 from the General
8 Revenue Fund to the Governor's Administrative Fund.

9 ~~(pp)~~ In addition to any other transfers that may be
10 provided for by law, on July 1, 2023, or as soon thereafter as
11 practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$500,000 from the General
13 Revenue Fund to the Grant Accountability and Transparency
14 Fund.

15 ~~(qq)~~ In addition to any other transfers that may be
16 provided for by law, beginning on July 1, 2024 (the effective
17 date of the changes made to this Section by Public Act 103-588)
18 ~~this amendatory Act of the 103rd General Assembly~~ and until
19 June 30, 2024, as directed by the Governor, the State
20 Comptroller shall direct and the State Treasurer shall
21 transfer up to a total of \$350,000,000 from the General
22 Revenue Fund to the Fund for Illinois' Future.

23 ~~(rr)~~ In addition to any other transfers that may be
24 provided for by law, on July 1, 2024, or as soon thereafter as
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$500,000 from the General

1 Revenue Fund to the Governor's Administrative Fund.

2 ~~(ss)~~ In addition to any other transfers that may be
3 provided for by law, on July 1, 2024, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$500,000 from the General
6 Revenue Fund to the Grant Accountability and Transparency
7 Fund.

8 ~~(tt)~~ In addition to any other transfers that may be
9 provided for by law, on July 1, 2024, or as soon thereafter as
10 practical, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$25,000,000 from the
12 Violent Crime Witness Protection Program Fund to the General
13 Revenue Fund.

14 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
15 102-700, Article 40, Section 40-5, eff. 4-19-22; 102-700,
16 Article 80, Section 80-5, eff. 4-19-22; 102-1115, eff. 1-9-23;
17 103-8, eff. 6-7-23; 103-588, eff. 6-5-24; revised 7-24-24.)

18 Section 230. The Local Government Debt Reform Act is
19 amended by changing Section 17 as follows:

20 (30 ILCS 350/17) (from Ch. 17, par. 6917)

21 Sec. 17. Leases and installment contracts.

22 (a) Interest not debt; debt on leases and installment
23 contracts. Interest on bonds shall not be included in any
24 computation of indebtedness of a governmental unit for the

1 purpose of any statutory provision or limitation. For bonds
2 consisting of leases and installment or financing contracts:7

3 (1) that portion of payments made by a governmental
4 unit under the terms of a bond designated as interest in
5 the bond or the ordinance authorizing such bond shall be
6 treated as interest for purposes of this Section;i

7 (2) where portions of payments due under the terms of
8 a bond have not been designated as interest in the bond or
9 the ordinance authorizing such bond, and all or a portion
10 of such payments is to be used for the payment of principal
11 of and interest on other bonds of the governmental unit or
12 bonds issued by another unit of local government, such as
13 a public building commission, the payments equal to
14 interest due on such corresponding bonds shall be treated
15 as interest for purposes of this Section;i and

16 (3) where portions of payments due under the terms of
17 a bond have not been designated as interest in the bond or
18 ordinance authorizing such bond and no portion of any such
19 payment is to be used for the payment of principal of and
20 interest on other bonds of the governmental unit or
21 another unit of local government, a portion of each
22 payment due under the terms of such bond shall be treated
23 as interest for purposes of this Section; such portion
24 shall be equal in amount to the interest that would have
25 been paid on a notional obligation of the governmental
26 unit (bearing interest at the highest rate permitted by

1 law for bonds of the governmental unit at the time the bond
2 was issued or, if no such limit existed, 12%) on which the
3 payments of principal and interest were due at the same
4 times and in the same amounts as payments are due under the
5 terms of the bonds.

6 The rule set forth in this Section shall be applicable to
7 all interest no matter when earned or accrued or at what
8 interval paid, and whether or not a bond bears interest which
9 compounds at certain intervals. For purposes of bonds sold at
10 amounts less than 95% of their stated value at maturity,
11 interest for purposes of this Section includes the difference
12 between the amount set forth on the face of the bond as the
13 original principal amount and the bond's stated value at
14 maturity.

15 This subsection may be made applicable to bonds issued
16 prior to the effective date of this Act by passage of an
17 ordinance to such effect by the governing body of a
18 governmental unit.

19 (b) Purchase or lease of property. The governing body of
20 each governmental unit may purchase or lease either real or
21 personal property, including investments, investment
22 agreements, or investment services, through agreements that
23 provide that the consideration for the purchase or lease may
24 be paid through installments made at stated intervals for a
25 period of no more than 20 years or another period of time
26 authorized by law, whichever is greater; provided, however,

1 that investments, investment agreements, or investment
2 services purchased in connection with a bond issue may be paid
3 through installments made at stated intervals for a period of
4 time not in excess of the maximum term of such bond issue. Each
5 governmental unit may issue certificates evidencing the
6 indebtedness incurred under the lease or agreement. The
7 governing body may provide for the treasurer, comptroller,
8 finance officer, or other officer of the governing body
9 charged with financial administration to act as counter-party
10 to any such lease or agreement, as nominee lessor or seller.
11 When the lease or agreement is executed by the officer of the
12 governmental unit authorized by the governing body to bind the
13 governmental unit thereon by the execution thereof and is
14 filed with and executed by the nominee lessor or seller, the
15 lease or agreement shall be sufficiently executed so as to
16 permit the governmental unit to issue certificates evidencing
17 the indebtedness incurred under the lease or agreement. The
18 certificates shall be valid whether or not an appropriation
19 with respect thereto is included in any annual or supplemental
20 budget adopted by the governmental unit. From time to time, as
21 the governing body executes contracts for the purpose of
22 acquiring and constructing the services or real or personal
23 property that is a part of the subject of the lease or
24 agreement, including financial, legal, architectural, and
25 engineering services related to the lease or agreement, the
26 contracts shall be filed with the nominee officer, and that

1 officer shall identify the contracts to the lease or
2 agreement; that identification shall permit the payment of the
3 contract from the proceeds of the certificates; and the
4 nominee officer shall duly apply or cause to be applied
5 proceeds of the certificates to the payment of the contracts.
6 The governing body of each governmental unit may sell, lease,
7 convey, and reacquire either real or personal property, or any
8 interest in real or personal property, upon any terms and
9 conditions and in any manner, as the governing body shall
10 determine, if the governmental unit will lease, acquire by
11 purchase agreement, or otherwise reacquire the property, as
12 authorized by this subsection or any other applicable law.

13 All indebtedness incurred under this subsection, when
14 aggregated with the existing indebtedness of the governmental
15 unit, may not exceed the debt limits provided by applicable
16 law.

17 (Source: P.A. 103-591, eff. 7-1-24; revised 7-24-24.)

18 Section 235. The Build Illinois Bond Act is amended by
19 changing Section 6 as follows:

20 (30 ILCS 425/6) (from Ch. 127, par. 2806)

21 Sec. 6. Conditions for issuance and sale of Bonds;
22 requirements ~~Bonds—requirements~~ for Bonds; master Bonds—
23 ~~master~~ and supplemental indentures; credit indentures—credit
24 and liquidity enhancement.

1 (a) Bonds shall be issued and sold from time to time, in
2 one or more series, in such amounts and at such prices as
3 directed by the Governor, upon recommendation by the Director
4 of the Governor's Office of Management and Budget. Bonds shall
5 be payable only from the specific sources and secured in the
6 manner provided in this Act. Bonds shall be in such form, in
7 such denominations, mature on such dates within 25 years from
8 their date of issuance, be subject to optional or mandatory
9 redemption, bear interest payable at such times and at such
10 rate or rates, fixed or variable, and be dated as shall be
11 fixed and determined by the Director of the Governor's Office
12 of Management and Budget in an order authorizing the issuance
13 and sale of any series of Bonds, which order shall be approved
14 by the Governor and is herein called a "Bond Sale Order";
15 provided, however, that interest payable at fixed rates shall
16 not exceed that permitted in the Bond Authorization Act ~~"An~~
17 ~~Act to authorize public corporations to issue bonds, other~~
18 ~~evidences of indebtedness and tax anticipation warrants~~
19 ~~subject to interest rate limitations set forth therein",~~
20 ~~approved May 26, 1970, as now or hereafter amended,~~ and
21 interest payable at variable rates shall not exceed the
22 maximum rate permitted in the Bond Sale Order. Said Bonds
23 shall be payable at such place or places, within or without the
24 State of Illinois, and may be made registrable as to either
25 principal only or as to both principal and interest, as shall
26 be specified in the Bond Sale Order. Bonds may be callable or

1 subject to purchase and retirement or remarketing as fixed and
2 determined in the Bond Sale Order. Bonds (i) except for
3 refunding Bonds satisfying the requirements of Section 15 of
4 this Act must be issued with principal or mandatory redemption
5 amounts in equal amounts, with the first maturity issued
6 occurring within the fiscal year in which the Bonds are issued
7 or within the next succeeding fiscal year, except that Bonds
8 issued during fiscal year 2025 may be issued with principal or
9 mandatory redemption amounts in unequal amounts, and (ii) must
10 mature or be subject to mandatory redemption each fiscal year
11 thereafter up to 25 years, except for refunding Bonds
12 satisfying the requirements of Section 15 of this Act and sold
13 during fiscal year 2009, 2010, or 2011 which must mature or be
14 subject to mandatory redemption each fiscal year thereafter up
15 to 16 years.

16 All Bonds authorized under this Act shall be issued
17 pursuant to a master trust indenture ("Master Indenture")
18 executed and delivered on behalf of the State by the Director
19 of the Governor's Office of Management and Budget, such Master
20 Indenture to be in substantially the form approved in the Bond
21 Sale Order authorizing the issuance and sale of the initial
22 series of Bonds issued under this Act. Such initial series of
23 Bonds may, and each subsequent series of Bonds shall, also be
24 issued pursuant to a supplemental trust indenture
25 ("Supplemental Indenture") executed and delivered on behalf of
26 the State by the Director of the Governor's Office of

1 Management and Budget, each such Supplemental Indenture to be
2 in substantially the form approved in the Bond Sale Order
3 relating to such series. The Master Indenture and any
4 Supplemental Indenture shall be entered into with a bank or
5 trust company in the State of Illinois having trust powers and
6 possessing capital and surplus of not less than \$100,000,000.
7 Such indentures shall set forth the terms and conditions of
8 the Bonds and provide for payment of and security for the
9 Bonds, including the establishment and maintenance of debt
10 service and reserve funds, and for other protections for
11 holders of the Bonds. The term "reserve funds" as used in this
12 Act shall include funds and accounts established under
13 indentures to provide for the payment of principal of and
14 premium and interest on Bonds, to provide for the purchase,
15 retirement, or defeasance of Bonds, to provide for fees of
16 trustees, registrars, paying agents, and other fiduciaries and
17 to provide for payment of costs of and debt service payable in
18 respect of credit or liquidity enhancement arrangements,
19 interest rate swaps or guarantees, or financial futures
20 contracts and indexing and remarketing agents' services.

21 In the case of any series of Bonds bearing interest at a
22 variable interest rate ("Variable Rate Bonds"), in lieu of
23 determining the rate or rates at which such series of Variable
24 Rate Bonds shall bear interest and the price or prices at which
25 such Variable Rate Bonds shall be initially sold or remarketed
26 (in the event of purchase and subsequent resale), the Bond

1 Sale Order may provide that such interest rates and prices may
2 vary from time to time depending on criteria established in
3 such Bond Sale Order, which criteria may include, without
4 limitation, references to indices or variations in interest
5 rates as may, in the judgment of a remarketing agent, be
6 necessary to cause Bonds of such series to be remarketable
7 from time to time at a price equal to their principal amount
8 (or compound accreted value in the case of original issue
9 discount Bonds), and may provide for appointment of indexing
10 agents and a bank, trust company, investment bank, or other
11 financial institution to serve as remarketing agent in that
12 connection. The Bond Sale Order may provide that alternative
13 interest rates or provisions for establishing alternative
14 interest rates, different security or claim priorities, or
15 different call or amortization provisions will apply during
16 such times as Bonds of any series are held by a person
17 providing credit or liquidity enhancement arrangements for
18 such Bonds as authorized in subsection (b) of Section 6 of this
19 Act.

20 (b) In connection with the issuance of any series of
21 Bonds, the State may enter into arrangements to provide
22 additional security and liquidity for such Bonds, including,
23 without limitation, bond or interest rate insurance or letters
24 of credit, lines of credit, bond purchase contracts, or other
25 arrangements whereby funds are made available to retire or
26 purchase Bonds, thereby assuring the ability of owners of the

1 Bonds to sell or redeem their Bonds. The State may enter into
2 contracts and may agree to pay fees to persons providing such
3 arrangements, but only under circumstances where the Director
4 of the Bureau of the Budget (now Governor's Office of
5 Management and Budget) certifies that he reasonably expects
6 the total interest paid or to be paid on the Bonds, together
7 with the fees for the arrangements (being treated as if
8 interest), would not, taken together, cause the Bonds to bear
9 interest, calculated to their stated maturity, at a rate in
10 excess of the rate which the Bonds would bear in the absence of
11 such arrangements. Any bonds, notes, or other evidences of
12 indebtedness issued pursuant to any such arrangements for the
13 purpose of retiring and discharging outstanding Bonds shall
14 constitute refunding Bonds under Section 15 of this Act. The
15 State may participate in and enter into arrangements with
16 respect to interest rate swaps or guarantees or financial
17 futures contracts for the purpose of limiting or restricting
18 interest rate risk; provided that such arrangements shall be
19 made with or executed through banks having capital and surplus
20 of not less than \$100,000,000 or insurance companies holding
21 the highest policyholder rating accorded insurers by A.M. Best
22 & Co. or any comparable rating service or government bond
23 dealers reporting to, trading with, and recognized as primary
24 dealers by a Federal Reserve Bank and having capital and
25 surplus of not less than \$100,000,000, or other persons whose
26 debt securities are rated in the highest long-term categories

1 by both Moody's Investors' Services, Inc. and Standard &
2 Poor's Corporation. Agreements incorporating any of the
3 foregoing arrangements may be executed and delivered by the
4 Director of the Governor's Office of Management and Budget on
5 behalf of the State in substantially the form approved in the
6 Bond Sale Order relating to such Bonds.

7 (c) "Build America Bonds" in this Section means Bonds
8 authorized by Section 54AA of the Internal Revenue Code of
9 1986, as amended ("Internal Revenue Code"), and bonds issued
10 from time to time to refund or continue to refund "Build
11 America Bonds".

12 (Source: P.A. 103-591, eff. 7-1-24; revised 7-24-24.)

13 Section 240. The Illinois Procurement Code is amended by
14 changing Sections 1-10, 20-60, 45-57, and 45-105 as follows:

15 (30 ILCS 500/1-10)

16 Sec. 1-10. Application.

17 (a) This Code applies only to procurements for which
18 bidders, offerors, potential contractors, or contractors were
19 first solicited on or after July 1, 1998. This Code shall not
20 be construed to affect or impair any contract, or any
21 provision of a contract, entered into based on a solicitation
22 prior to the implementation date of this Code as described in
23 Article 99, including, but not limited to, any covenant
24 entered into with respect to any revenue bonds or similar

1 instruments. All procurements for which contracts are
2 solicited between the effective date of Articles 50 and 99 and
3 July 1, 1998 shall be substantially in accordance with this
4 Code and its intent.

5 (b) This Code shall apply regardless of the source of the
6 funds with which the contracts are paid, including federal
7 assistance moneys. This Code shall not apply to:

8 (1) Contracts between the State and its political
9 subdivisions or other governments, or between State
10 governmental bodies, except as specifically provided in
11 this Code.

12 (2) Grants, except for the filing requirements of
13 Section 20-80.

14 (3) Purchase of care, except as provided in Section
15 5-30.6 of the Illinois Public Aid Code and this Section.

16 (4) Hiring of an individual as an employee and not as
17 an independent contractor, whether pursuant to an
18 employment code or policy or by contract directly with
19 that individual.

20 (5) Collective bargaining contracts.

21 (6) Purchase of real estate, except that notice of
22 this type of contract with a value of more than \$25,000
23 must be published in the Procurement Bulletin within 10
24 calendar days after the deed is recorded in the county of
25 jurisdiction. The notice shall identify the real estate
26 purchased, the names of all parties to the contract, the

1 value of the contract, and the effective date of the
2 contract.

3 (7) Contracts necessary to prepare for anticipated
4 litigation, enforcement actions, or investigations,
5 provided that the chief legal counsel to the Governor
6 shall give his or her prior approval when the procuring
7 agency is one subject to the jurisdiction of the Governor,
8 and provided that the chief legal counsel of any other
9 procuring entity subject to this Code shall give his or
10 her prior approval when the procuring entity is not one
11 subject to the jurisdiction of the Governor.

12 (8) (Blank).

13 (9) Procurement expenditures by the Illinois
14 Conservation Foundation when only private funds are used.

15 (10) (Blank).

16 (11) Public-private agreements entered into according
17 to the procurement requirements of Section 20 of the
18 Public-Private Partnerships for Transportation Act and
19 design-build agreements entered into according to the
20 procurement requirements of Section 25 of the
21 Public-Private Partnerships for Transportation Act.

22 (12) (A) Contracts for legal, financial, and other
23 professional and artistic services entered into by the
24 Illinois Finance Authority in which the State of Illinois
25 is not obligated. Such contracts shall be awarded through
26 a competitive process authorized by the members of the

1 Illinois Finance Authority and are subject to Sections
2 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
3 as well as the final approval by the members of the
4 Illinois Finance Authority of the terms of the contract.

5 (B) Contracts for legal and financial services entered
6 into by the Illinois Housing Development Authority in
7 connection with the issuance of bonds in which the State
8 of Illinois is not obligated. Such contracts shall be
9 awarded through a competitive process authorized by the
10 members of the Illinois Housing Development Authority and
11 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
12 and 50-37 of this Code, as well as the final approval by
13 the members of the Illinois Housing Development Authority
14 of the terms of the contract.

15 (13) Contracts for services, commodities, and
16 equipment to support the delivery of timely forensic
17 science services in consultation with and subject to the
18 approval of the Chief Procurement Officer as provided in
19 subsection (d) of Section 5-4-3a of the Unified Code of
20 Corrections, except for the requirements of Sections
21 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
22 Code; however, the Chief Procurement Officer may, in
23 writing with justification, waive any certification
24 required under Article 50 of this Code. For any contracts
25 for services which are currently provided by members of a
26 collective bargaining agreement, the applicable terms of

1 the collective bargaining agreement concerning
2 subcontracting shall be followed.

3 On and after January 1, 2019, this paragraph (13),
4 except for this sentence, is inoperative.

5 (14) Contracts for participation expenditures required
6 by a domestic or international trade show or exhibition of
7 an exhibitor, member, or sponsor.

8 (15) Contracts with a railroad or utility that
9 requires the State to reimburse the railroad or utilities
10 for the relocation of utilities for construction or other
11 public purpose. Contracts included within this paragraph
12 (15) shall include, but not be limited to, those
13 associated with: relocations, crossings, installations,
14 and maintenance. For the purposes of this paragraph (15),
15 "railroad" means any form of non-highway ground
16 transportation that runs on rails or electromagnetic
17 guideways and "utility" means: (1) public utilities as
18 defined in Section 3-105 of the Public Utilities Act, (2)
19 telecommunications carriers as defined in Section 13-202
20 of the Public Utilities Act, (3) electric cooperatives as
21 defined in Section 3.4 of the Electric Supplier Act, (4)
22 telephone or telecommunications cooperatives as defined in
23 Section 13-212 of the Public Utilities Act, (5) rural
24 water or waste water systems with 10,000 connections or
25 less, (6) a holder as defined in Section 21-201 of the
26 Public Utilities Act, and (7) municipalities owning or

1 operating utility systems consisting of public utilities
2 as that term is defined in Section 11-117-2 of the
3 Illinois Municipal Code.

4 (16) Procurement expenditures necessary for the
5 Department of Public Health to provide the delivery of
6 timely newborn screening services in accordance with the
7 Newborn Metabolic Screening Act.

8 (17) Procurement expenditures necessary for the
9 Department of Agriculture, the Department of Financial and
10 Professional Regulation, the Department of Human Services,
11 and the Department of Public Health to implement the
12 Compassionate Use of Medical Cannabis Program and Opioid
13 Alternative Pilot Program requirements and ensure access
14 to medical cannabis for patients with debilitating medical
15 conditions in accordance with the Compassionate Use of
16 Medical Cannabis Program Act.

17 (18) This Code does not apply to any procurements
18 necessary for the Department of Agriculture, the
19 Department of Financial and Professional Regulation, the
20 Department of Human Services, the Department of Commerce
21 and Economic Opportunity, and the Department of Public
22 Health to implement the Cannabis Regulation and Tax Act if
23 the applicable agency has made a good faith determination
24 that it is necessary and appropriate for the expenditure
25 to fall within this exemption and if the process is
26 conducted in a manner substantially in accordance with the

1 requirements of Sections 20-160, 25-60, 30-22, 50-5,
2 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
3 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
4 Section 50-35, compliance applies only to contracts or
5 subcontracts over \$100,000. Notice of each contract
6 entered into under this paragraph (18) that is related to
7 the procurement of goods and services identified in
8 paragraph (1) through (9) of this subsection shall be
9 published in the Procurement Bulletin within 14 calendar
10 days after contract execution. The Chief Procurement
11 Officer shall prescribe the form and content of the
12 notice. Each agency shall provide the Chief Procurement
13 Officer, on a monthly basis, in the form and content
14 prescribed by the Chief Procurement Officer, a report of
15 contracts that are related to the procurement of goods and
16 services identified in this subsection. At a minimum, this
17 report shall include the name of the contractor, a
18 description of the supply or service provided, the total
19 amount of the contract, the term of the contract, and the
20 exception to this Code utilized. A copy of any or all of
21 these contracts shall be made available to the Chief
22 Procurement Officer immediately upon request. The Chief
23 Procurement Officer shall submit a report to the Governor
24 and General Assembly no later than November 1 of each year
25 that includes, at a minimum, an annual summary of the
26 monthly information reported to the Chief Procurement

1 Officer. This exemption becomes inoperative 5 years after
2 June 25, 2019 (the effective date of Public Act 101-27).

3 (19) Acquisition of modifications or adjustments,
4 limited to assistive technology devices and assistive
5 technology services, adaptive equipment, repairs, and
6 replacement parts to provide reasonable accommodations (i)
7 that enable a qualified applicant with a disability to
8 complete the job application process and be considered for
9 the position such qualified applicant desires, (ii) that
10 modify or adjust the work environment to enable a
11 qualified current employee with a disability to perform
12 the essential functions of the position held by that
13 employee, (iii) to enable a qualified current employee
14 with a disability to enjoy equal benefits and privileges
15 of employment as are enjoyed by other similarly situated
16 employees without disabilities, and (iv) that allow a
17 customer, client, claimant, or member of the public
18 seeking State services full use and enjoyment of and
19 access to its programs, services, or benefits.

20 For purposes of this paragraph (19):

21 "Assistive technology devices" means any item, piece
22 of equipment, or product system, whether acquired
23 commercially off the shelf, modified, or customized, that
24 is used to increase, maintain, or improve functional
25 capabilities of individuals with disabilities.

26 "Assistive technology services" means any service that

1 directly assists an individual with a disability in
2 selection, acquisition, or use of an assistive technology
3 device.

4 "Qualified" has the same meaning and use as provided
5 under the federal Americans with Disabilities Act when
6 describing an individual with a disability.

7 (20) Procurement expenditures necessary for the
8 Illinois Commerce Commission to hire third-party
9 facilitators pursuant to Sections 16-105.17 and 16-108.18
10 of the Public Utilities Act or an ombudsman pursuant to
11 Section 16-107.5 of the Public Utilities Act, a
12 facilitator pursuant to Section 16-105.17 of the Public
13 Utilities Act, or a grid auditor pursuant to Section
14 16-105.10 of the Public Utilities Act.

15 (21) Procurement expenditures for the purchase,
16 renewal, and expansion of software, software licenses, or
17 software maintenance agreements that support the efforts
18 of the Illinois State Police to enforce, regulate, and
19 administer the Firearm Owners Identification Card Act, the
20 Firearm Concealed Carry Act, the Firearms Restraining
21 Order Act, the Firearm Dealer License Certification Act,
22 the Law Enforcement Agencies Data System (LEADS), the
23 Uniform Crime Reporting Act, the Criminal Identification
24 Act, the Illinois Uniform Conviction Information Act, and
25 the Gun Trafficking Information Act, or establish or
26 maintain record management systems necessary to conduct

1 human trafficking investigations or gun trafficking or
2 other stolen firearm investigations. This paragraph (21)
3 applies to contracts entered into on or after January 10,
4 2023 (the effective date of Public Act 102-1116) and the
5 renewal of contracts that are in effect on January 10,
6 2023 (the effective date of Public Act 102-1116).

7 (22) Contracts for project management services and
8 system integration services required for the completion of
9 the State's enterprise resource planning project. This
10 exemption becomes inoperative 5 years after June 7, 2023
11 (the effective date of the changes made to this Section by
12 Public Act 103-8). This paragraph (22) applies to
13 contracts entered into on or after June 7, 2023 (the
14 effective date of the changes made to this Section by
15 Public Act 103-8) and the renewal of contracts that are in
16 effect on June 7, 2023 (the effective date of the changes
17 made to this Section by Public Act 103-8).

18 (23) Procurements necessary for the Department of
19 Insurance to implement the Illinois Health Benefits
20 Exchange Law if the Department of Insurance has made a
21 good faith determination that it is necessary and
22 appropriate for the expenditure to fall within this
23 exemption. The procurement process shall be conducted in a
24 manner substantially in accordance with the requirements
25 of Sections 20-160 and 25-60 and Article 50 of this Code. A
26 copy of these contracts shall be made available to the

1 Chief Procurement Officer immediately upon request. This
2 paragraph is inoperative 5 years after June 27, 2023 (the
3 effective date of Public Act 103-103).

4 (24) Contracts for public education programming,
5 noncommercial sustaining announcements, public service
6 announcements, and public awareness and education
7 messaging with the nonprofit trade associations of the
8 providers of those services that inform the public on
9 immediate and ongoing health and safety risks and hazards.

10 (25) Procurements necessary for the Department of
11 Early Childhood to implement the Department of Early
12 Childhood Act if the Department has made a good faith
13 determination that it is necessary and appropriate for the
14 expenditure to fall within this exemption. This exemption
15 shall only be used for products and services procured
16 solely for use by the Department of Early Childhood. The
17 procurements may include those necessary to design and
18 build integrated, operational systems of programs and
19 services. The procurements may include, but are not
20 limited to, those necessary to align and update program
21 standards, integrate funding systems, design and establish
22 data and reporting systems, align and update models for
23 technical assistance and professional development, design
24 systems to manage grants and ensure compliance, design and
25 implement management and operational structures, and
26 establish new means of engaging with families, educators,

1 providers, and stakeholders. The procurement processes
2 shall be conducted in a manner substantially in accordance
3 with the requirements of Article 50 (ethics) and Sections
4 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
5 and Inclusion), 20-80 (contract files), 20-120
6 (subcontractors), 20-155 (paperwork), 20-160
7 (ethics/campaign contribution prohibitions), 25-60
8 (prevailing wage), and 25-90 (prohibited and authorized
9 cybersecurity) of this Code. Beginning January 1, 2025,
10 the Department of Early Childhood shall provide a
11 quarterly report to the General Assembly detailing a list
12 of expenditures and contracts for which the Department
13 uses this exemption. This paragraph is inoperative on and
14 after July 1, 2027.

15 (26) ~~(25)~~ Procurements that are necessary for
16 increasing the recruitment and retention of State
17 employees, particularly minority candidates for
18 employment, including:

19 (A) procurements related to registration fees for
20 job fairs and other outreach and recruitment events;

21 (B) production of recruitment materials; and

22 (C) other services related to recruitment and
23 retention of State employees.

24 The exemption under this paragraph (26) ~~(25)~~ applies
25 only if the State agency has made a good faith
26 determination that it is necessary and appropriate for the

1 expenditure to fall within this paragraph (26) ~~(25)~~. The
2 procurement process under this paragraph (26) ~~(25)~~ shall
3 be conducted in a manner substantially in accordance with
4 the requirements of Sections 20-160 and 25-60 and Article
5 50 of this Code. A copy of these contracts shall be made
6 available to the Chief Procurement Officer immediately
7 upon request. Nothing in this paragraph (26) ~~(25)~~
8 authorizes the replacement or diminishment of State
9 responsibilities in hiring or the positions that
10 effectuate that hiring. This paragraph (26) ~~(25)~~ is
11 inoperative on and after June 30, 2029.

12 Notwithstanding any other provision of law, for contracts
13 with an annual value of more than \$100,000 entered into on or
14 after October 1, 2017 under an exemption provided in any
15 paragraph of this subsection (b), except paragraph (1), (2),
16 or (5), each State agency shall post to the appropriate
17 procurement bulletin the name of the contractor, a description
18 of the supply or service provided, the total amount of the
19 contract, the term of the contract, and the exception to the
20 Code utilized. The chief procurement officer shall submit a
21 report to the Governor and General Assembly no later than
22 November 1 of each year that shall include, at a minimum, an
23 annual summary of the monthly information reported to the
24 chief procurement officer.

25 (c) This Code does not apply to the electric power
26 procurement process provided for under Section 1-75 of the

1 Illinois Power Agency Act and Section 16-111.5 of the Public
2 Utilities Act. This Code does not apply to the procurement of
3 technical and policy experts pursuant to Section 1-129 of the
4 Illinois Power Agency Act.

5 (d) Except for Section 20-160 and Article 50 of this Code,
6 and as expressly required by Section 9.1 of the Illinois
7 Lottery Law, the provisions of this Code do not apply to the
8 procurement process provided for under Section 9.1 of the
9 Illinois Lottery Law.

10 (e) This Code does not apply to the process used by the
11 Capital Development Board to retain a person or entity to
12 assist the Capital Development Board with its duties related
13 to the determination of costs of a clean coal SNG brownfield
14 facility, as defined by Section 1-10 of the Illinois Power
15 Agency Act, as required in subsection (h-3) of Section 9-220
16 of the Public Utilities Act, including calculating the range
17 of capital costs, the range of operating and maintenance
18 costs, or the sequestration costs or monitoring the
19 construction of clean coal SNG brownfield facility for the
20 full duration of construction.

21 (f) (Blank).

22 (g) (Blank).

23 (h) This Code does not apply to the process to procure or
24 contracts entered into in accordance with Sections 11-5.2 and
25 11-5.3 of the Illinois Public Aid Code.

26 (i) Each chief procurement officer may access records

1 necessary to review whether a contract, purchase, or other
2 expenditure is or is not subject to the provisions of this
3 Code, unless such records would be subject to attorney-client
4 privilege.

5 (j) This Code does not apply to the process used by the
6 Capital Development Board to retain an artist or work or works
7 of art as required in Section 14 of the Capital Development
8 Board Act.

9 (k) This Code does not apply to the process to procure
10 contracts, or contracts entered into, by the State Board of
11 Elections or the State Electoral Board for hearing officers
12 appointed pursuant to the Election Code.

13 (l) This Code does not apply to the processes used by the
14 Illinois Student Assistance Commission to procure supplies and
15 services paid for from the private funds of the Illinois
16 Prepaid Tuition Fund. As used in this subsection (l), "private
17 funds" means funds derived from deposits paid into the
18 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

19 (m) This Code shall apply regardless of the source of
20 funds with which contracts are paid, including federal
21 assistance moneys. Except as specifically provided in this
22 Code, this Code shall not apply to procurement expenditures
23 necessary for the Department of Public Health to conduct the
24 Healthy Illinois Survey in accordance with Section 2310-431 of
25 the Department of Public Health Powers and Duties Law of the
26 Civil Administrative Code of Illinois.

1 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
2 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
3 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
4 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
5 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594,
6 eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25;
7 revised 11-26-24.)

8 (30 ILCS 500/20-60)

9 Sec. 20-60. Duration of contracts.

10 (a) Maximum duration. A contract may be entered into for
11 any period of time deemed to be in the best interests of the
12 State but not exceeding 10 years inclusive, beginning January
13 1, 2010, of proposed contract renewals; provided, however, in
14 connection with the issuance of certificates of participation
15 or bonds, the governing board of a public institution of
16 higher education may enter into contracts in excess of 10
17 years but not to exceed 30 years for the purpose of financing
18 or refinancing real or personal property. Third parties may
19 lease State-owned communications infrastructure, including
20 dark fiber networks, conduit, and excess communication tower
21 capacity, for any period of time deemed to be in the best
22 interest of the State, but not exceeding 20 years. The length
23 of a lease for real property or capital improvements shall be
24 in accordance with the provisions of Section 40-25. The length
25 of energy conservation program contracts or energy savings

1 contracts or leases shall be in accordance with the provisions
2 of Section 25-45. A contract for bond or mortgage insurance
3 awarded by the Illinois Housing Development Authority,
4 however, may be entered into for any period of time less than
5 or equal to the maximum period of time that the subject bond or
6 mortgage may remain outstanding. Contracts may be entered into
7 that extend beyond the active term of the award, so long as the
8 contract was entered into prior to the award expiration date
9 and does not exceed 10 years.

10 (b) Subject to appropriation. All contracts made or
11 entered into shall recite that they are subject to termination
12 and cancellation in any year for which the General Assembly
13 fails to make an appropriation to make payments under the
14 terms of the contract.

15 (c) The chief procurement officer shall file a proposed
16 extension or renewal of a contract with the Procurement Policy
17 Board and the Commission on Equity and Inclusion prior to
18 entering into any extension or renewal if the cost associated
19 with the extension or renewal exceeds \$249,999. The
20 Procurement Policy Board or the Commission on Equity and
21 Inclusion may object to the proposed extension or renewal
22 within 14 calendar days and require a hearing before the Board
23 or the Commission on Equity and Inclusion prior to entering
24 into the extension or renewal. If the Procurement Policy Board
25 or the Commission on Equity and Inclusion does not object
26 within 14 calendar days or takes affirmative action to

1 recommend the extension or renewal, the chief procurement
2 officer may enter into the extension or renewal of a contract.
3 This subsection does not apply to any emergency procurement,
4 any procurement under Article 40, or any procurement exempted
5 by Section 1-10(b) of this Code. If any State agency contract
6 is paid for in whole or in part with federal-aid funds, grants,
7 or loans and the provisions of this subsection would result in
8 the loss of those federal-aid funds, grants, or loans, then
9 the contract is exempt from the provisions of this subsection
10 in order to remain eligible for those federal-aid funds,
11 grants, or loans, and the State agency shall file notice of
12 this exemption with the Procurement Policy Board or the
13 Commission on Equity and Inclusion prior to entering into the
14 proposed extension or renewal. Nothing in this subsection
15 permits a chief procurement officer to enter into an extension
16 or renewal in violation of subsection (a). By August 1 each
17 year, the Procurement Policy Board and the Commission on
18 Equity and Inclusion shall each file a report with the General
19 Assembly identifying for the previous fiscal year (i) the
20 proposed extensions or renewals that were filed and whether
21 such extensions and renewals were objected to and (ii) the
22 contracts exempt from this subsection.

23 (d) Notwithstanding the provisions of subsection (a) of
24 this Section, the Department of Innovation and Technology may
25 enter into leases for dark fiber networks for any period of
26 time deemed to be in the best interests of the State but not

1 exceeding 20 years inclusive. The Department of Innovation and
2 Technology may lease dark fiber networks from third parties
3 only for the primary purpose of providing services (i) to the
4 offices of Governor, Lieutenant Governor, Attorney General,
5 Secretary of State, Comptroller, or Treasurer and State
6 agencies, as defined under Section 5-15 of the Civil
7 Administrative Code of Illinois or (ii) for anchor
8 institutions, as defined in Section 7 of the Illinois Century
9 Network Act. Dark fiber network lease contracts shall be
10 subject to all other provisions of this Code and any
11 applicable rules or requirements, including, but not limited
12 to, publication of lease solicitations, use of standard State
13 contracting terms and conditions, and approval of vendor
14 certifications and financial disclosures.

15 (e) As used in this Section, "dark fiber network" means a
16 network of fiber optic cables laid but currently unused by a
17 third party that the third party is leasing for use as network
18 infrastructure.

19 (f) No vendor shall be eligible for renewal of a contract
20 when that vendor has failed to meet the goals agreed to in the
21 vendor's utilization plan, as defined in Section 2 of the
22 Business Enterprise for Minorities, Women, and Persons with
23 Disabilities Act, unless the State agency or public
24 institution of higher education has determined that the vendor
25 made good faith efforts toward meeting the contract goals. If
26 the State agency or public institution of higher education

1 determines that the vendor made good faith efforts, the agency
2 or public institution of higher education may issue a waiver
3 after concurrence by the chief procurement officer, which
4 shall not be unreasonably withheld or impair a State agency
5 determination to execute the renewal. The form and content of
6 the waiver shall be prescribed by each chief procurement
7 officer, but shall not impair a State agency or public
8 institution of higher education determination to execute the
9 renewal. The chief procurement officer shall post the
10 completed form on his or her official website within 5
11 business days after receipt from the State agency or public
12 institution of higher education. The chief procurement officer
13 shall maintain on his or her official website a database of
14 waivers granted under this Section with respect to contracts
15 under his or her jurisdiction. The database shall be updated
16 periodically and shall be searchable by contractor name and by
17 contracting State agency or public institution of higher
18 education.

19 (Source: P.A. 102-29, eff. 6-25-21; 102-721, eff. 1-1-23;
20 103-570, eff. 1-1-24; 103-865, Article 2, Section 2-5, eff.
21 1-1-25; 103-865, Article 5, Section 5-5, eff. 1-1-25; revised
22 11-26-24.)

23 (30 ILCS 500/45-57)

24 Sec. 45-57. Veterans.

25 (a) Set-aside goal. It is the goal of the State to promote

1 and encourage the continued economic development of small
2 businesses owned and controlled by qualified veterans and that
3 qualified service-disabled veteran-owned small businesses
4 (referred to as SDVOSB) and veteran-owned small businesses
5 (referred to as VOSB) participate in the State's procurement
6 process as both prime contractors and subcontractors. Not less
7 than 3% of the total dollar amount of State contracts, as
8 defined by the Commission on Equity and Inclusion, shall be
9 established as a goal to be awarded to SDVOSB and VOSB. That
10 portion of a contract under which the contractor subcontracts
11 with a SDVOSB or VOSB may be counted toward the goal of this
12 subsection. The Commission on Equity and Inclusion shall adopt
13 rules to implement compliance with this subsection by all
14 State agencies.

15 (b) Fiscal year reports. By each November 1, each chief
16 procurement officer shall report to the Commission on Equity
17 and Inclusion on all of the following for the immediately
18 preceding fiscal year, and by each March 1 the Commission on
19 Equity and Inclusion shall compile and report that information
20 to the General Assembly:

21 (1) The total number of VOSB, and the number of
22 SDVOSB, who submitted bids for contracts under this Code.

23 (2) The total number of VOSB, and the number of
24 SDVOSB, who entered into contracts with the State under
25 this Code and the total value of those contracts.

26 (b-5) The Commission on Equity and Inclusion shall submit

1 an annual report to the Governor and the General Assembly that
2 shall include the following:

3 (1) a year-by-year comparison of the number of
4 certifications the State has issued to veteran-owned small
5 businesses and service-disabled veteran-owned small
6 businesses;

7 (2) the obstacles, if any, the Commission on Equity
8 and Inclusion faces when certifying veteran-owned
9 businesses and possible rules or changes to rules to
10 address those issues;

11 (3) a year-by-year comparison of awarded contracts to
12 certified veteran-owned small businesses and
13 service-disabled veteran-owned small businesses; and

14 (4) any other information that the Commission on
15 Equity and Inclusion deems necessary to assist
16 veteran-owned small businesses and service-disabled
17 veteran-owned small businesses to become certified with
18 the State.

19 The Commission on Equity and Inclusion shall conduct a
20 minimum of 2 outreach events per year to ensure that
21 veteran-owned small businesses and service-disabled
22 veteran-owned small businesses know about the procurement
23 opportunities and certification requirements with the State.
24 The Commission on Equity and Inclusion may receive
25 appropriations for outreach.

26 (c) Yearly review and recommendations. Each year, each

1 chief procurement officer shall review the progress of all
2 State agencies under its jurisdiction in meeting the goal
3 described in subsection (a), with input from statewide
4 veterans' service organizations and from the business
5 community, including businesses owned by qualified veterans,
6 and shall make recommendations to be included in the
7 Commission on Equity and Inclusion's report to the General
8 Assembly regarding continuation, increases, or decreases of
9 the percentage goal. The recommendations shall be based upon
10 the number of businesses that are owned by qualified veterans
11 and on the continued need to encourage and promote businesses
12 owned by qualified veterans.

13 (d) Governor's recommendations. To assist the State in
14 reaching the goal described in subsection (a), the Governor
15 shall recommend to the General Assembly changes in programs to
16 assist businesses owned by qualified veterans.

17 (e) Definitions. As used in this Section:

18 "Armed forces of the United States" means the United
19 States Army, Navy, Air Force, Space Force, Marine Corps, Coast
20 Guard, or service in active duty as defined under 38 U.S.C.
21 Section 101. Service in the Merchant Marine that constitutes
22 active duty under Section 401 of federal Public Law ~~Act~~ 95-202
23 shall also be considered service in the armed forces for
24 purposes of this Section.

25 "Certification" means a determination made by the Illinois
26 Department of Veterans' Affairs and the Commission on Equity

1 and Inclusion that a business entity is a qualified
2 service-disabled veteran-owned small business or a qualified
3 veteran-owned small business for whatever purpose. A SDVOSB or
4 VOSB owned and controlled by women, minorities, or persons
5 with disabilities, as those terms are defined in Section 2 of
6 the Business Enterprise for Minorities, Women, and Persons
7 with Disabilities Act, may also select and designate whether
8 that business is to be certified as a "women-owned business",
9 "minority-owned business", or "business owned by a person with
10 a disability", as defined in Section 2 of the Business
11 Enterprise for Minorities, Women, and Persons with
12 Disabilities Act.

13 "Control" means the exclusive, ultimate, majority, or sole
14 control of the business, including but not limited to capital
15 investment and all other financial matters, property,
16 acquisitions, contract negotiations, legal matters,
17 officer-director-employee selection and comprehensive hiring,
18 operation responsibilities, cost-control matters, income and
19 dividend matters, financial transactions, and rights of other
20 shareholders or joint partners. Control shall be real,
21 substantial, and continuing, not pro forma. Control shall
22 include the power to direct or cause the direction of the
23 management and policies of the business and to make the
24 day-to-day as well as major decisions in matters of policy,
25 management, and operations. Control shall be exemplified by
26 possessing the requisite knowledge and expertise to run the

1 particular business, and control shall not include simple
2 majority or absentee ownership.

3 "Qualified service-disabled veteran" means a veteran who
4 has been found to have 10% or more service-connected
5 disability by the United States Department of Veterans Affairs
6 or the United States Department of Defense.

7 "Qualified service-disabled veteran-owned small business"
8 or "SDVOSB" means a small business (i) that is at least 51%
9 owned by one or more qualified service-disabled veterans
10 living in Illinois or, in the case of a corporation, at least
11 51% of the stock of which is owned by one or more qualified
12 service-disabled veterans living in Illinois; (ii) that has
13 its home office in Illinois; and (iii) for which items (i) and
14 (ii) are factually verified annually by the Commission on
15 Equity and Inclusion.

16 "Qualified veteran-owned small business" or "VOSB" means a
17 small business (i) that is at least 51% owned by one or more
18 qualified veterans living in Illinois or, in the case of a
19 corporation, at least 51% of the stock of which is owned by one
20 or more qualified veterans living in Illinois; (ii) that has
21 its home office in Illinois; and (iii) for which items (i) and
22 (ii) are factually verified annually by the Commission on
23 Equity and Inclusion.

24 "Service-connected disability" means a disability incurred
25 in the line of duty in the active military, naval, or air
26 service as described in 38 U.S.C. 101(16).

1 "Small business" means a business that has annual gross
2 sales of less than \$150,000,000 as evidenced by the federal
3 income tax return of the business. A firm with gross sales in
4 excess of this cap may apply to the Commission on Equity and
5 Inclusion for certification for a particular contract if the
6 firm can demonstrate that the contract would have significant
7 impact on SDVOSB or VOSB as suppliers or subcontractors or in
8 employment of veterans or service-disabled veterans.

9 "State agency" has the meaning provided in Section
10 1-15.100 of this Code.

11 "Time of hostilities with a foreign country" means any
12 period of time in the past, present, or future during which a
13 declaration of war by the United States Congress has been or is
14 in effect or during which an emergency condition has been or is
15 in effect that is recognized by the issuance of a Presidential
16 proclamation or a Presidential executive order and in which
17 the armed forces expeditionary medal or other campaign service
18 medals are awarded according to Presidential executive order.

19 "Veteran" means a person who (i) has been a member of the
20 armed forces of the United States or, while a citizen of the
21 United States, was a member of the armed forces of allies of
22 the United States in time of hostilities with a foreign
23 country and (ii) has served under one or more of the following
24 conditions: (a) the veteran served a total of at least 6
25 months; (b) the veteran served for the duration of hostilities
26 regardless of the length of the engagement; (c) the veteran

1 was discharged on the basis of hardship; or (d) the veteran was
2 released from active duty because of a service connected
3 disability and was discharged under honorable conditions.

4 (f) Certification program. The Illinois Department of
5 Veterans' Affairs and the Commission on Equity and Inclusion
6 shall work together to devise a certification procedure to
7 assure that businesses taking advantage of this Section are
8 legitimately classified as qualified service-disabled
9 veteran-owned small businesses or qualified veteran-owned
10 small businesses.

11 The Commission on Equity and Inclusion shall:

12 (1) compile and maintain a comprehensive list of
13 certified veteran-owned small businesses and
14 service-disabled veteran-owned small businesses;

15 (2) assist veteran-owned small businesses and
16 service-disabled veteran-owned small businesses in
17 complying with the procedures for bidding on State
18 contracts;

19 (3) provide training for State agencies regarding the
20 goal setting process and compliance with veteran-owned
21 small business and service-disabled veteran-owned small
22 business goals; and

23 (4) implement and maintain an electronic portal on the
24 Commission on Equity and Inclusion's website for the
25 purpose of completing and submitting veteran-owned small
26 business and service-disabled veteran-owned small business

1 certificates.

2 The Commission on Equity and Inclusion, in consultation
3 with the Department of Veterans' Affairs, may develop programs
4 and agreements to encourage cities, counties, towns,
5 townships, and other certifying entities to adopt uniform
6 certification procedures and certification recognition
7 programs.

8 (f-5) A business shall be certified by the Commission on
9 Equity and Inclusion as a service-disabled veteran-owned small
10 business or a veteran-owned small business for purposes of
11 this Section if the Commission on Equity and Inclusion
12 determines that the business has been certified as a
13 service-disabled veteran-owned small business or a
14 veteran-owned small business by the Vets First Verification
15 Program of the United States Department of Veterans Affairs,
16 and the business has provided to the Commission on Equity and
17 Inclusion the following:

18 (1) documentation showing certification as a
19 service-disabled veteran-owned small business or a
20 veteran-owned small business by the Vets First
21 Verification Program of the United States Department of
22 Veterans Affairs;

23 (2) proof that the business has its home office in
24 Illinois; and

25 (3) proof that the qualified veterans or qualified
26 service-disabled veterans live in the State of Illinois.

1 The policies of the Commission on Equity and Inclusion
2 regarding recognition of the Vets First Verification Program
3 of the United States Department of Veterans Affairs shall be
4 reviewed annually by the Commission on Equity and Inclusion,
5 and recognition of service-disabled veteran-owned small
6 businesses and veteran-owned small businesses certified by the
7 Vets First Verification Program of the United States
8 Department of Veterans Affairs may be discontinued by the
9 Commission on Equity and Inclusion by rule upon a finding that
10 the certification standards of the Vets First Verification
11 Program of the United States Department of Veterans Affairs do
12 not meet the certification requirements established by the
13 Commission on Equity and Inclusion.

14 (g) Penalties.

15 (1) Administrative penalties. The chief procurement
16 officers appointed pursuant to Section 10-20 shall suspend
17 any person who commits a violation of Section 17-10.3 or
18 subsection (d) of Section 33E-6 of the Criminal Code of
19 2012 relating to this Section from bidding on, or
20 participating as a contractor, subcontractor, or supplier
21 in, any State contract or project for a period of not less
22 than 3 years, and, if the person is certified as a
23 service-disabled veteran-owned small business or a
24 veteran-owned small business, then the Commission on
25 Equity and Inclusion shall revoke the business's
26 certification for a period of not less than 3 years. An

1 additional or subsequent violation shall extend the
2 periods of suspension and revocation for a period of not
3 less than 5 years. The suspension and revocation shall
4 apply to the principals of the business and any subsequent
5 business formed or financed by, or affiliated with, those
6 principals.

7 (2) Reports of violations. Each State agency shall
8 report any alleged violation of Section 17-10.3 or
9 subsection (d) of Section 33E-6 of the Criminal Code of
10 2012 relating to this Section to the chief procurement
11 officers appointed pursuant to Section 10-20. The chief
12 procurement officers appointed pursuant to Section 10-20
13 shall subsequently report all such alleged violations to
14 the Attorney General, who shall determine whether to bring
15 a civil action against any person for the violation.

16 (3) List of suspended persons. The chief procurement
17 officers appointed pursuant to Section 10-20 shall monitor
18 the status of all reported violations of Section 17-10.3
19 or subsection (d) of Section 33E-6 of the Criminal Code of
20 1961 or the Criminal Code of 2012 relating to this Section
21 and shall maintain and make available to all State
22 agencies a central listing of all persons that committed
23 violations resulting in suspension.

24 (4) Use of suspended persons. During the period of a
25 person's suspension under paragraph (1) of this
26 subsection, a State agency shall not enter into any

1 contract with that person or with any contractor using the
2 services of that person as a subcontractor.

3 (5) Duty to check list. Each State agency shall check
4 the central listing provided by the chief procurement
5 officers appointed pursuant to Section 10-20 under
6 paragraph (3) of this subsection to verify that a person
7 being awarded a contract by that State agency, or to be
8 used as a subcontractor or supplier on a contract being
9 awarded by that State agency, is not under suspension
10 pursuant to paragraph (1) of this subsection.

11 (h) On and after November 30, 2021 (the effective date of
12 Public Act 102-671) ~~this amendatory Act of the 102nd General~~
13 ~~Assembly~~, all powers, duties, rights, and responsibilities of
14 the Department of Central Management Services with respect to
15 the requirements of this Section are transferred to the
16 Commission on Equity and Inclusion.

17 All books, records, papers, documents, property (real and
18 personal), contracts, causes of action, and pending business
19 pertaining to the powers, duties, rights, and responsibilities
20 transferred by Public Act 102-671 ~~this amendatory Act~~ from the
21 Department of Central Management Services to the Commission on
22 Equity and Inclusion, including, but not limited to, material
23 in electronic or magnetic format and necessary computer
24 hardware and software, shall be transferred to the Commission
25 on Equity and Inclusion.

26 The powers, duties, rights, and responsibilities

1 transferred from the Department of Central Management Services
2 by this amendatory Act shall be vested in and shall be
3 exercised by the Commission on Equity and Inclusion.

4 Whenever reports or notices are now required to be made or
5 given or papers or documents furnished or served by any person
6 to or upon the Department of Central Management Services in
7 connection with any of the powers, duties, rights, and
8 responsibilities transferred by Public Act 102-671 ~~this~~
9 ~~amendatory Act~~, the same shall be made, given, furnished, or
10 served in the same manner to or upon the Commission on Equity
11 and Inclusion.

12 Public Act 102-671 ~~This amendatory Act of the 102nd~~
13 ~~General Assembly~~ does not affect any act done, ratified, or
14 canceled or any right occurring or established or any action
15 or proceeding had or commenced in an administrative, civil, or
16 criminal cause by the Department of Central Management
17 Services before this amendatory Act takes effect; such actions
18 or proceedings may be prosecuted and continued by the
19 Commission on Equity and Inclusion.

20 Any rules of the Department of Central Management Services
21 that relate to its powers, duties, rights, and
22 responsibilities under this Section and are in full force on
23 the effective date of Public Act 102-671 ~~this amendatory Act~~
24 ~~of the 102nd General Assembly~~ shall become the rules of the
25 Commission on Equity and Inclusion. Public Act 102-671 ~~This~~
26 ~~amendatory Act~~ does not affect the legality of any such rules

1 in the Illinois Administrative Code. Any proposed rules filed
2 with the Secretary of State by the Department of Central
3 Management Services that are pending in the rulemaking process
4 on November 30, 2021 ~~the effective date of this amendatory Act~~
5 and pertain to the powers, duties, rights, and
6 responsibilities transferred, shall be deemed to have been
7 filed by the Commission on Equity and Inclusion. As soon as
8 practicable hereafter, the Commission on Equity and Inclusion
9 shall revise and clarify the rules transferred to it under
10 Public Act 102-671 ~~this amendatory Act~~ to reflect the
11 reorganization of powers, duties, rights, and responsibilities
12 affected by Public Act 102-671 ~~this amendatory Act~~, using the
13 procedures for recodification of rules available under the
14 Illinois Administrative Procedure Act, except that existing
15 title, part, and section numbering for the affected rules may
16 be retained. The Commission on Equity and Inclusion may
17 propose and adopt under the Illinois Administrative Procedure
18 Act such other rules of the Department of Central Management
19 Services that will now be administered by the Commission on
20 Equity and Inclusion.

21 (Source: P.A. 102-166, eff. 7-26-21; 102-671, eff. 11-30-21;
22 103-570, eff. 1-1-24; 103-746, eff. 1-1-25; revised 11-22-24.)

23 (30 ILCS 500/45-105)

24 Sec. 45-105. Bid preference for Illinois businesses.

25 (a) (Blank).

1 (b) It is hereby declared to be the public policy of the
2 State of Illinois to promote the economy of Illinois through
3 the use of Illinois businesses for all State construction
4 contracts.

5 (c) A construction agency, as defined in Section 1-15.25,
6 procuring construction services shall make reasonable efforts
7 to contract with Illinois businesses.

8 (d) Each construction agency shall submit a report to the
9 Governor and the General Assembly by December 1 of each year
10 that identifies the Illinois businesses procured by the
11 construction agency, the primary location of the construction
12 project, the percentage of the construction agency's
13 utilization of Illinois businesses on the project as a whole,
14 and the actions that the construction agency has undertaken to
15 increase the use of Illinois businesses.

16 (e) In procuring construction services for projects with a
17 total value that exceeds the small purchase maximum
18 established by Section 20-20 of this Code, construction
19 agencies shall provide a bid preference to a responsive and
20 responsible bidder that is an Illinois business as defined in
21 this Section. The construction agency shall allocate to the
22 lowest bid by an Illinois business that is responsible and
23 responsive a bid preference of 4% of the contract base bid.
24 This subsection applies only to projects where a business that
25 is not an Illinois business submits a bid.

26 (e-5) The chief procurement officer shall require at the

1 time of submission of a bid, and may require at the chief
2 procurement officer's option at any time during the term of
3 the contract, that the bidder or contractor submit an
4 affidavit and other supporting documents demonstrating that
5 the bidder or contractor is an Illinois business and, if
6 applicable, submit an affidavit and other supporting documents
7 demonstrating that the bidder or contractor is eligible for a
8 4% bid preference under this Section.

9 (e-10) If a contractor who is awarded a contract through
10 the use of a preference for Illinois businesses provided false
11 information in order to obtain that preference, then the
12 contractor is subject to disciplinary procedures as identified
13 in Section 50-65 of this Act.

14 (f) This Section does not apply to any contract for any
15 project for which federal funds are available for expenditure
16 when its provisions may be in conflict with federal law or
17 federal regulation.

18 (g) As used in this Section, "Illinois business" means a
19 contractor that is, for at least one year prior, operating and
20 headquartered in Illinois, subject to applicable State taxes,
21 and providing, at the time that an invitation for a bid or
22 notice of contract opportunity is first advertised,
23 construction services. "Illinois business" includes a foreign
24 corporation duly authorized to transact business in this State
25 that has a bona fide establishment for transacting business
26 within this State where it is operating, headquartered, and

1 performing construction or construction-related professional
2 services at least one year before an invitation for a bid or
3 notice of contract opportunity is first advertised.

4 "Illinois business" does not include any subcontractors or
5 businesses headquartered outside of the State that have an
6 affiliated entity operating in the State.

7 (Source: P.A. 102-721, eff. 1-1-23; 103-570, eff. 1-1-24;
8 103-865, Article 35, Section 35-5, eff. 1-1-25; 103-865,
9 Article 65, Section 65-5, eff. 1-1-25; revised 11-26-24.)

10 Section 245. The Commission on Equity and Inclusion Act is
11 amended by changing Section 40-10 as follows:

12 (30 ILCS 574/40-10)

13 (Text of Section before amendment by P.A. 103-961)

14 Sec. 40-10. Powers and duties. In addition to the other
15 powers and duties which may be prescribed in this Act or
16 elsewhere, the Commission shall have the following powers and
17 duties:

18 (1) The Commission shall have a role in all State and
19 university procurement by facilitating and streamlining
20 communications between the Business Enterprise Council for
21 Minorities, Women, and Persons with Disabilities, the
22 purchasing entities, the Chief Procurement Officers, and
23 others.

24 (2) The Commission may create a scoring evaluation for

1 State agency directors, public university presidents and
2 chancellors, and public community college presidents. The
3 scoring shall be based on the following 3 principles: (i)
4 increasing capacity; (ii) growing revenue; and (iii)
5 enhancing credentials. These principles should be the
6 foundation of the agency compliance plan required under
7 Section 6 of the Business Enterprise for Minorities,
8 Women, and Persons with Disabilities Act.

9 (3) The Commission shall exercise the authority and
10 duties provided to it under Section 5-7 of the Illinois
11 Procurement Code.

12 (4) The Commission, working with State agencies, shall
13 provide support for diversity in State hiring.

14 (5) The Commission shall supervise the implementation
15 and effectiveness of supplier diversity training of the
16 State procurement workforce.

17 (6) Each January, and as otherwise frequently as may
18 be deemed necessary and appropriate by the Commission, the
19 Commission shall propose and submit to the Governor and
20 the General Assembly legislative changes to increase
21 inclusion and diversity in State government.

22 (7) The Commission shall have oversight over the
23 following entities:

24 (A) the Illinois African-American Family
25 Commission;

26 (B) the Illinois Latino Family Commission;

1 (C) the Asian American Family Commission;

2 (D) the Illinois Muslim American Advisory Council;

3 (E) the Illinois African-American Fair Contracting
4 Commission created under Executive Order 2018-07; and

5 (F) the Business Enterprise Council for
6 Minorities, Women, and Persons with Disabilities.

7 (8) The Commission shall adopt any rules necessary for
8 the implementation and administration of the requirements
9 of this Act.

10 (9) The Commission shall exercise the authority and
11 duties provided to it under Section 45-57 of the Illinois
12 Procurement Code.

13 (10) The Commission is responsible for completing
14 studies as required by Section 35-15 of the Illinois
15 Community Reinvestment Act.

16 (Source: P.A. 102-29, eff. 6-25-21; 102-671, eff. 11-30-21;
17 103-865, eff. 1-1-25; 103-959, eff. 1-1-25; revised 11-26-24.)

18 (Text of Section after amendment by P.A. 103-961)

19 Sec. 40-10. Powers and duties. In addition to the other
20 powers and duties which may be prescribed in this Act or
21 elsewhere, the Commission shall have the following powers and
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25 communications between the Business Enterprise Council for

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3 others.

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5 State agency directors, public university presidents and
6 chancellors, and public community college presidents. The
7 scoring shall be based on the following 3 principles: (i)
8 increasing capacity; (ii) growing revenue; and (iii)
9 enhancing credentials. These principles should be the
10 foundation of the agency compliance plan required under
11 Section 6 of the Business Enterprise for Minorities,
12 Women, and Persons with Disabilities Act.

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14 duties provided to it under Section 5-7 of the Illinois
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20 State procurement workforce.

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4 (B) the Illinois Latino Family Commission;

5 (C) the Asian American Family Commission;

6 (D) the Illinois Muslim American Advisory Council;

7 (E) the Illinois African-American Fair Contracting
8 Commission created under Executive Order 2018-07; and

9 (F) the Business Enterprise Council for
10 Minorities, Women, and Persons with Disabilities.

11 (7.5) The Commission shall have oversight over the
12 collection of supplier diversity reports by State agencies
13 to the extent that those agencies are required to collect
14 supplier diversity reports. This oversight shall include
15 publishing, on the Commission's website, a copy of each
16 such supplier diversity report submitted to a State agency
17 and may include conducting an annual hearing with each
18 State agency to discuss ongoing compliance with supplier
19 diversity reporting requirements. The Commission is not
20 responsible for ensuring compliance by the filers of
21 supplier diversity reports to their respective agencies.
22 The agencies subject to oversight by the Commission and
23 the relevant voluntary supplier diversity reports include
24 the following:

25 (A) the Health Facilities and Services Review
26 Board for hospitals;

1 (B) the Department of Commerce and Economic
2 Opportunity for tax credit recipients under the
3 Economic Development for a Growing Economy Tax Credit
4 Act;

5 (C) the Illinois Commerce Commission for utilities
6 and railroads;

7 (D) the Illinois Gaming Board for casinos; and

8 (E) the Illinois Racing Board for race tracks.

9 (7.6) The Commission may hold public workshops focused
10 on specific industries and reports to collaboratively
11 connect diverse enterprises with entities that manage
12 supplier diversity programs. These workshops may be
13 modeled after Illinois Commerce Commission hearings for
14 utilities and railroads that include a collaborative
15 discussion of filed supplier diversity reports.

16 (8) The Commission shall adopt any rules necessary for
17 the implementation and administration of the requirements
18 of this Act.

19 (9) The Commission shall exercise the authority and
20 duties provided to it under Section 45-57 of the Illinois
21 Procurement Code.

22 (10) The Commission is responsible for completing
23 studies as required by Section 35-15 of the Illinois
24 Community Reinvestment Act.

25 (Source: P.A. 102-29, eff. 6-25-21; 102-671, eff. 11-30-21;
26 103-865, eff. 1-1-25; 103-959, eff. 1-1-25; 103-961, eff.

1 7-1-25; revised 11-26-24.)

2 Section 250. The Grant Accountability and Transparency Act
3 is amended by changing Section 15 as follows:

4 (30 ILCS 708/15)

5 Sec. 15. Definitions. As used in this Act:

6 "Allowable cost" means a cost allowable to a project if:

7 (1) the costs are reasonable and necessary for the
8 performance of the award;

9 (2) the costs are allocable to the specific project;

10 (3) the costs are treated consistently in like
11 circumstances to both federally-financed and other
12 activities of the non-federal entity;

13 (4) the costs conform to any limitations of the cost
14 principles or the sponsored agreement;

15 (5) the costs are accorded consistent treatment; a
16 cost may not be assigned to a State or federal award as a
17 direct cost if any other cost incurred for the same
18 purpose in like circumstances has been allocated to the
19 award as an indirect cost;

20 (6) the costs are determined to be in accordance with
21 generally accepted accounting principles;

22 (7) the costs are not included as a cost or used to
23 meet federal cost-sharing or matching requirements of any
24 other program in either the current or prior period;

1 (8) the costs of one State or federal grant are not
2 used to meet the match requirements of another State or
3 federal grant; and

4 (9) the costs are adequately documented.

5 "Auditee" means any non-federal entity that expends State
6 or federal awards that must be audited.

7 "Auditor" means an auditor who is a public accountant or a
8 federal, State, or local government audit organization that
9 meets the general standards specified in generally-accepted
10 government auditing standards. "Auditor" does not include
11 internal auditors of nonprofit organizations.

12 "Auditor General" means the Auditor General of the State
13 of Illinois.

14 "Award" means financial assistance that provides support
15 or stimulation to accomplish a public purpose. "Awards"
16 include grants and other agreements in the form of money, or
17 property in lieu of money, by the State or federal government
18 to an eligible recipient. "Award" does not include: technical
19 assistance that provides services instead of money; other
20 assistance in the form of loans, loan guarantees, interest
21 subsidies, or insurance; direct payments of any kind to
22 individuals; or contracts that must be entered into and
23 administered under State or federal procurement laws and
24 regulations.

25 "Budget" means the financial plan for the project or
26 program that the awarding agency or pass-through entity

1 approves during the award process or in subsequent amendments
2 to the award. It may include the State or federal and
3 non-federal share or only the State or federal share, as
4 determined by the awarding agency or pass-through entity.

5 "Catalog of Federal Domestic Assistance" or "CFDA" means a
6 database that helps the federal government track all programs
7 it has domestically funded.

8 "Catalog of Federal Domestic Assistance number" or "CFDA
9 number" means the number assigned to a federal program in the
10 CFDA.

11 "Catalog of State Financial Assistance" means the single,
12 authoritative, statewide, comprehensive source document of
13 State financial assistance program information maintained by
14 the Governor's Office of Management and Budget.

15 "Catalog of State Financial Assistance Number" means the
16 number assigned to a State program in the Catalog of State
17 Financial Assistance. The first 3 digits represent the State
18 agency number and the last 4 digits represent the program.

19 "Cluster of programs" means a grouping of closely related
20 programs that share common compliance requirements. The types
21 of clusters of programs are research and development, student
22 financial aid, and other clusters. A "cluster of programs"
23 shall be considered as one program for determining major
24 programs and, with the exception of research and development,
25 whether a program-specific audit may be elected.

26 "Cognizant agency for audit" means the federal agency

1 designated to carry out the responsibilities described in 2
2 CFR 200.513(a).

3 "Contract" means a legal instrument by which a non-federal
4 entity purchases property or services needed to carry out the
5 project or program under an award. "Contract" does not include
6 a legal instrument, even if the non-federal entity considers
7 it a contract, when the substance of the transaction meets the
8 definition of an award or subaward.

9 "Contractor" means an entity that receives a contract.

10 "Cooperative agreement" means a legal instrument of
11 financial assistance between an awarding agency or
12 pass-through entity and a non-federal entity that:

13 (1) is used to enter into a relationship with the
14 principal purpose of transferring anything of value from
15 the awarding agency or pass-through entity to the
16 non-federal entity to carry out a public purpose
17 authorized by law, but is not used to acquire property or
18 services for the awarding agency's or pass-through
19 entity's direct benefit or use; and

20 (2) is distinguished from a grant in that it provides
21 for substantial involvement between the awarding agency or
22 pass-through entity and the non-federal entity in carrying
23 out the activity contemplated by the award.

24 "Cooperative agreement" does not include a cooperative
25 research and development agreement, nor an agreement that
26 provides only direct cash assistance to an individual, a

1 subsidy, a loan, a loan guarantee, or insurance.

2 "Corrective action" means action taken by the auditee that
3 (i) corrects identified deficiencies, (ii) produces
4 recommended improvements, or (iii) demonstrates that audit
5 findings are either invalid or do not warrant auditee action.

6 "Cost objective" means a program, function, activity,
7 award, organizational subdivision, contract, or work unit for
8 which cost data is desired and for which provision is made to
9 accumulate and measure the cost of processes, products, jobs,
10 and capital projects. A "cost objective" may be a major
11 function of the non-federal entity, a particular service or
12 project, an award, or an indirect cost activity.

13 "Cost sharing" means the portion of project costs not paid
14 by State or federal funds, unless otherwise authorized by
15 statute.

16 "Development" is the systematic use of knowledge and
17 understanding gained from research directed toward the
18 production of useful materials, devices, systems, or methods,
19 including design and development of prototypes and processes.

20 "Data Universal Numbering System number" means the 9-digit
21 number established and assigned by Dun and Bradstreet, Inc. to
22 uniquely identify entities and, under federal law, is required
23 for non-federal entities to apply for, receive, and report on
24 a federal award.

25 "Direct costs" means costs that can be identified
26 specifically with a particular final cost objective, such as a

1 State or federal or federal pass-through award or a particular
2 sponsored project, an instructional activity, or any other
3 institutional activity, or that can be directly assigned to
4 such activities relatively easily with a high degree of
5 accuracy.

6 "Equipment" means tangible personal property (including
7 information technology systems) having a useful life of more
8 than one year and a per-unit acquisition cost that equals or
9 exceeds the lesser of the capitalization level established by
10 the non-federal entity for financial statement purposes, or
11 \$5,000.

12 "Executive branch" means that branch of State government
13 that is under the jurisdiction of the Governor.

14 "Federal agency" has the meaning provided for "agency"
15 under 5 U.S.C. 551(1) together with the meaning provided for
16 "agency" by 5 U.S.C. 552(f).

17 "Federal award" means:

18 (1) the federal financial assistance that a
19 non-federal entity receives directly from a federal
20 awarding agency or indirectly from a pass-through entity;

21 (2) the cost-reimbursement contract under the Federal
22 Acquisition Regulations that a non-federal entity receives
23 directly from a federal awarding agency or indirectly from
24 a pass-through entity; or

25 (3) the instrument setting forth the terms and
26 conditions when the instrument is the grant agreement,

1 cooperative agreement, other agreement for assistance
2 covered in 2 CFR 200, Subpart A, Acronyms and Definitions,
3 or the cost-reimbursement contract awarded under the
4 Federal Acquisition Regulations.

5 "Federal award" does not include other contracts that a
6 federal agency uses to buy goods or services from a contractor
7 or a contract to operate federal government owned,
8 contractor-operated facilities.

9 "Federal awarding agency" means the federal agency that
10 provides a federal award directly to a non-federal entity.

11 "Federal interest" means, for purposes of 2 CFR 200,
12 Subpart D, Post Federal Award Requirements (Performance and
13 Financial Monitoring and Reporting) or when used in connection
14 with the acquisition or improvement of real property,
15 equipment, or supplies under a federal award, the dollar
16 amount that is the product of the federal share of total
17 project costs and current fair market value of the property,
18 improvements, or both, to the extent the costs of acquiring or
19 improving the property were included as project costs.

20 "Federal program" means any of the following:

21 (1) All federal awards which are assigned a single
22 number in the CFDA.

23 (2) When no CFDA number is assigned, all federal
24 awards to non-federal entities from the same agency made
25 for the same purpose should be combined and considered one
26 program.

1 (3) Notwithstanding paragraphs (1) and (2) of this
2 definition, a cluster of programs. The types of clusters
3 of programs are:

4 (A) research and development;

5 (B) student financial aid; and

6 (C) "other clusters", as described in the
7 definition of "cluster of programs".

8 "Federal share" means the portion of the total project
9 costs that are paid by federal funds.

10 "Final cost objective" means a cost objective which has
11 allocated to it both direct and indirect costs and, in the
12 non-federal entity's accumulation system, is one of the final
13 accumulation points, such as a particular award, internal
14 project, or other direct activity of a non-federal entity.

15 "Financial assistance" means the following:

16 (1) For grants and cooperative agreements, "financial
17 assistance" means assistance that non-federal entities
18 receive or administer in the form of:

19 (A) grants;

20 (B) cooperative agreements;

21 (C) non-cash contributions or donations of
22 property, including donated surplus property;

23 (D) direct appropriations;

24 (E) food commodities; and

25 (F) other financial assistance, except assistance
26 listed in paragraph (2) of this definition.

1 (2) "Financial assistance" includes assistance that
2 non-federal entities receive or administer in the form of
3 loans, loan guarantees, interest subsidies, and insurance.

4 (3) "Financial assistance" does not include amounts
5 received as reimbursement for services rendered to
6 individuals.

7 "Fixed amount awards" means a type of grant agreement
8 under which the awarding agency or pass-through entity
9 provides a specific level of support without regard to actual
10 costs incurred under the award. "Fixed amount awards" reduce
11 some of the administrative burden and record-keeping
12 requirements for both the non-federal entity and awarding
13 agency or pass-through entity. Accountability is based
14 primarily on performance and results.

15 "Foreign public entity" means:

16 (1) a foreign government or foreign governmental
17 entity;

18 (2) a public international organization that is
19 entitled to enjoy privileges, exemptions, and immunities
20 as an international organization under the International
21 Organizations Immunities Act (22 U.S.C. 288-288f);

22 (3) an entity owned, in whole or in part, or
23 controlled by a foreign government; or

24 (4) any other entity consisting wholly or partially of
25 one or more foreign governments or foreign governmental
26 entities.

1 "Foreign organization" means an entity that is:

2 (1) a public or private organization located in a
3 country other than the United States and its territories
4 that are subject to the laws of the country in which it is
5 located, irrespective of the citizenship of project staff
6 or place of performance;

7 (2) a private nongovernmental organization located in
8 a country other than the United States that solicits and
9 receives cash contributions from the general public;

10 (3) a charitable organization located in a country
11 other than the United States that is nonprofit and tax
12 exempt under the laws of its country of domicile and
13 operation, but is not a university, college, accredited
14 degree-granting institution of education, private
15 foundation, hospital, organization engaged exclusively in
16 research or scientific activities, church, synagogue,
17 mosque, or other similar entity organized primarily for
18 religious purposes; or

19 (4) an organization located in a country other than
20 the United States not recognized as a Foreign Public
21 Entity.

22 "Generally Accepted Accounting Principles" has the meaning
23 provided in accounting standards issued by the Government
24 Accounting Standards Board and the Financial Accounting
25 Standards Board.

26 "Generally Accepted Government Auditing Standards" means

1 generally accepted government auditing standards issued by the
2 Comptroller General of the United States that are applicable
3 to financial audits.

4 "Grant agreement" means a legal instrument of financial
5 assistance between an awarding agency or pass-through entity
6 and a non-federal entity that:

7 (1) is used to enter into a relationship, the
8 principal purpose of which is to transfer anything of
9 value from the awarding agency or pass-through entity to
10 the non-federal entity to carry out a public purpose
11 authorized by law and not to acquire property or services
12 for the awarding agency or pass-through entity's direct
13 benefit or use; and

14 (2) is distinguished from a cooperative agreement in
15 that it does not provide for substantial involvement
16 between the awarding agency or pass-through entity and the
17 non-federal entity in carrying out the activity
18 contemplated by the award.

19 "Grant agreement" does not include an agreement that
20 provides only direct cash assistance to an individual, a
21 subsidy, a loan, a loan guarantee, or insurance.

22 "Grant application" means a specified form that is
23 completed by a non-federal entity in connection with a request
24 for a specific funding opportunity or a request for financial
25 support of a project or activity.

26 "Hospital" means a facility licensed as a hospital under

1 the law of any state or a facility operated as a hospital by
2 the United States, a state, or a subdivision of a state.

3 "Illinois Debarred and Suspended List" means the list
4 maintained by the Governor's Office of Management and Budget
5 that contains the names of those individuals and entities that
6 are ineligible, either temporarily or permanently, from
7 receiving an award of grant funds from the State.

8 "Indirect cost" means those costs incurred for a common or
9 joint purpose benefiting ~~benefitting~~ more than one cost
10 objective and not readily assignable to the cost objectives
11 specifically benefited ~~benefitted~~ without effort
12 disproportionate to the results achieved.

13 "Inspector General" means the Office of the Executive
14 Inspector General for Executive branch agencies.

15 "Loan" means a State or federal loan or loan guarantee
16 received or administered by a non-federal entity. "Loan" does
17 not include a "program income" as defined in 2 CFR 200, Subpart
18 A, Acronyms and Definitions.

19 "Loan guarantee" means any State or federal government
20 guarantee, insurance, or other pledge with respect to the
21 payment of all or a part of the principal or interest on any
22 debt obligation of a non-federal borrower to a non-federal
23 lender, but does not include the insurance of deposits,
24 shares, or other withdrawable accounts in financial
25 institutions.

26 "Local government" has the meaning provided for the term

1 "units of local government" under Section 1 of Article VII of
2 the Illinois Constitution and includes school districts.

3 "Major program" means a federal program determined by the
4 auditor to be a major program in accordance with 2 CFR 200.518
5 or a program identified as a major program by a federal
6 awarding agency or pass-through entity in accordance with 2
7 CFR 200.503(e).

8 "Non-federal entity" means a state, local government,
9 Indian tribe, institution of higher education, or
10 organization, whether nonprofit or for-profit, that carries
11 out a State or federal award as a recipient or subrecipient.

12 "Nonprofit organization" means any corporation, trust,
13 association, cooperative, or other organization, not including
14 institutions of higher education, that:

15 (1) is operated primarily for scientific, educational,
16 service, charitable, or similar purposes in the public
17 interest;

18 (2) is not organized primarily for profit; and

19 (3) uses net proceeds to maintain, improve, or expand
20 the operations of the organization.

21 "Obligations", when used in connection with a non-federal
22 entity's utilization of funds under an award, means orders
23 placed for property and services, contracts and subawards
24 made, and similar transactions during a given period that
25 require payment by the non-federal entity during the same or a
26 future period.

1 "Office of Management and Budget" means the Office of
2 Management and Budget of the Executive Office of the
3 President.

4 "Other clusters" has the meaning provided by the federal
5 Office of Management and Budget in the compliance supplement
6 or has the meaning as it is designated by a state for federal
7 awards the state provides to its subrecipients that meet the
8 definition of a cluster of programs. When designating an
9 "other cluster", a state must identify the federal awards
10 included in the cluster and advise the subrecipients of
11 compliance requirements applicable to the cluster.

12 "Oversight agency for audit" means the federal awarding
13 agency that provides the predominant amount of funding
14 directly to a non-federal entity not assigned a cognizant
15 agency for audit. When there is no direct funding, the
16 awarding agency that is the predominant source of pass-through
17 funding must assume the oversight responsibilities. The duties
18 of the oversight agency for audit and the process for any
19 reassignments are described in 2 CFR 200.513(b).

20 "Pass-through entity" means a non-federal entity that
21 provides a subaward to a subrecipient to carry out part of a
22 program.

23 "Private award" means an award from a person or entity
24 other than a State or federal entity. Private awards are not
25 subject to the provisions of this Act.

26 "Property" means real property or personal property.

1 "Project cost" means total allowable costs incurred under
2 an award and all required cost sharing and voluntary committed
3 cost sharing, including third-party contributions.

4 "Public institutions of higher education" has the meaning
5 provided in Section 1 of the Board of Higher Education Act.

6 "Recipient" means a non-federal entity that receives an
7 award directly from an awarding agency to carry out an
8 activity under a program. "Recipient" does not include
9 subrecipients.

10 "Research and Development" means all research activities,
11 both basic and applied, and all development activities that
12 are performed by non-federal entities.

13 "Single Audit Act" means the federal Single Audit Act
14 Amendments of 1996 (31 U.S.C. 7501-7507).

15 "State agency" means an Executive branch agency. For
16 purposes of this Act, "State agency" does not include public
17 institutions of higher education.

18 "State award" means the financial assistance that a
19 non-federal entity receives from the State and that is funded
20 with either State funds or federal funds; in the latter case,
21 the State is acting as a pass-through entity.

22 "State awarding agency" means a State agency that provides
23 an award to a non-federal entity.

24 "State grant-making agency" has the same meaning as "State
25 awarding agency".

26 "State interest" means the acquisition or improvement of

1 real property, equipment, or supplies under a State award, the
2 dollar amount that is the product of the State share of the
3 total project costs and current fair market value of the
4 property, improvements, or both, to the extent the costs of
5 acquiring or improving the property were included as project
6 costs.

7 "State program" means any of the following:

8 (1) All State awards which are assigned a single
9 number in the Catalog of State Financial Assistance.

10 (2) When no Catalog of State Financial Assistance
11 number is assigned, all State awards to non-federal
12 entities from the same agency made for the same purpose
13 are considered one program.

14 (3) A cluster of programs as defined in this Section.

15 "State share" means the portion of the total project costs
16 that are paid by State funds.

17 "Stop payment order" means a communication from a State
18 grant-making agency to the Office of the Comptroller,
19 following procedures set out by the Office of the Comptroller,
20 causing the cessation of payments to a recipient or
21 subrecipient as a result of the recipient's or subrecipient's
22 failure to comply with one or more terms of the grant or
23 subaward.

24 "Stop payment procedure" means the procedure created by
25 the Office of the Comptroller which effects a stop payment
26 order and the lifting of a stop payment order upon the request

1 of the State grant-making agency.

2 "Student Financial Aid" means federal awards under those
3 programs of general student assistance, such as those
4 authorized by Title IV of the Higher Education Act of 1965, as
5 amended (20 U.S.C. 1070-1099d), that are administered by the
6 United States Department of Education and similar programs
7 provided by other federal agencies. "Student Financial Aid"
8 does not include federal awards under programs that provide
9 fellowships or similar federal awards to students on a
10 competitive basis or for specified studies or research.

11 "Subaward" means a State or federal award provided by a
12 pass-through entity to a subrecipient for the subrecipient to
13 carry out part of a federal award received by the pass-through
14 entity. "Subaward" does not include payments to a contractor
15 or payments to an individual that is a beneficiary of a federal
16 program. A "subaward" may be provided through any form of
17 legal agreement, including an agreement that the pass-through
18 entity considers a contract.

19 "Subrecipient" means a non-federal entity that receives a
20 State or federal subaward from a pass-through entity to carry
21 out part of a federal program. "Subrecipient" does not include
22 an individual that is a beneficiary of such program. A
23 "subrecipient" may also be a recipient of other State or
24 federal awards directly from a State or federal awarding
25 agency.

26 "Suspension" means a post-award action by the State or

1 federal agency or pass-through entity that temporarily
2 withdraws the State or federal agency's or pass-through
3 entity's financial assistance sponsorship under an award,
4 pending corrective action by the recipient or subrecipient or
5 pending a decision to terminate the award.

6 "Uniform Administrative Requirements, Costs Principles,
7 and Audit Requirements for Federal Awards" means those rules
8 applicable to grants contained in 2 CFR 200.

9 "Voluntary committed cost sharing" means cost sharing
10 specifically pledged on a voluntary basis in the proposal's
11 budget or the award on the part of the non-federal entity and
12 that becomes a binding requirement of the award.

13 (Source: P.A. 103-616, eff. 7-1-24; revised 10-24-24.)

14 Section 255. The State Mandates Act is amended by changing
15 Section 8.33 as follows:

16 (30 ILCS 805/8.33)

17 Sec. 8.33. Exempt mandate.

18 (a) (Blank). ~~Notwithstanding the provisions of Sections 6~~
19 ~~and 8 of this Act, no reimbursement by the State is required~~
20 ~~for the implementation of Section 5-42 of the Olympic Games~~
21 ~~and Paralympic Games (2016) Law.~~

22 (b) Notwithstanding Sections 6 and 8 of this Act, no
23 reimbursement by the State is required for the implementation
24 of any mandate created by Public Act 96-139, 96-251, 96-260,

1 96-285, 96-297, 96-299, 96-343, 96-357, 96-410, 96-429,
2 96-494, 96-505, 96-621, 96-650, 96-727, 96-745, 96-749,
3 96-775, 96-841, or 96-843.

4 (c) Notwithstanding Sections 6 and 8 of this Act, no
5 reimbursement by the State is required for the implementation
6 of any mandate created by the Identity Protection Act.

7 (Source: P.A. 96-7, eff. 4-3-09; 96-139, eff. 1-1-10; 96-251,
8 eff. 8-11-09; 96-260, eff. 8-11-09; 96-285, eff. 8-11-09;
9 96-297, eff. 8-11-09; 96-299, eff. 8-11-09; 96-343, eff.
10 8-11-09; 96-357, eff. 8-13-09; 96-410, eff. 7-1-10; 96-429,
11 eff. 8-13-09; 96-494, eff. 8-14-09; 96-505, eff. 8-14-09;
12 96-621, eff. 1-1-10; 96-650, eff. 1-1-10; 96-727, eff.
13 8-25-09; 96-745, eff. 8-25-09; 96-749, eff. 1-1-10; 96-775,
14 eff. 8-28-09; 96-841, eff. 12-23-09; 96-843, eff. 6-1-10;
15 96-874, eff. 6-1-10; 96-1000, eff. 7-2-10; 97-333, eff.
16 8-12-11; revised 7-24-24.)

17 Section 260. The Illinois Income Tax Act is amended by
18 changing Sections 203, 244, 304, and 704A and by setting
19 forth, renumbering, and changing multiple versions of Section
20 241 as follows:

21 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

22 Sec. 203. Base income defined.

23 (a) Individuals.

24 (1) In general. In the case of an individual, base

1 income means an amount equal to the taxpayer's adjusted
2 gross income for the taxable year as modified by paragraph
3 (2).

4 (2) Modifications. The adjusted gross income referred
5 to in paragraph (1) shall be modified by adding thereto
6 the sum of the following amounts:

7 (A) An amount equal to all amounts paid or accrued
8 to the taxpayer as interest or dividends during the
9 taxable year to the extent excluded from gross income
10 in the computation of adjusted gross income, except
11 stock dividends of qualified public utilities
12 described in Section 305(e) of the Internal Revenue
13 Code;

14 (B) An amount equal to the amount of tax imposed by
15 this Act to the extent deducted from gross income in
16 the computation of adjusted gross income for the
17 taxable year;

18 (C) An amount equal to the amount received during
19 the taxable year as a recovery or refund of real
20 property taxes paid with respect to the taxpayer's
21 principal residence under the Revenue Act of 1939 and
22 for which a deduction was previously taken under
23 subparagraph (L) of this paragraph (2) prior to July
24 1, 1991, the retrospective application date of Article
25 4 of Public Act 87-17. In the case of multi-unit or
26 multi-use structures and farm dwellings, the taxes on

1 the taxpayer's principal residence shall be that
2 portion of the total taxes for the entire property
3 which is attributable to such principal residence;

4 (D) An amount equal to the amount of the capital
5 gain deduction allowable under the Internal Revenue
6 Code, to the extent deducted from gross income in the
7 computation of adjusted gross income;

8 (D-5) An amount, to the extent not included in
9 adjusted gross income, equal to the amount of money
10 withdrawn by the taxpayer in the taxable year from a
11 medical care savings account and the interest earned
12 on the account in the taxable year of a withdrawal
13 pursuant to subsection (b) of Section 20 of the
14 Medical Care Savings Account Act or subsection (b) of
15 Section 20 of the Medical Care Savings Account Act of
16 2000;

17 (D-10) For taxable years ending after December 31,
18 1997, an amount equal to any eligible remediation
19 costs that the individual deducted in computing
20 adjusted gross income and for which the individual
21 claims a credit under subsection (l) of Section 201;

22 (D-15) For taxable years 2001 and thereafter, an
23 amount equal to the bonus depreciation deduction taken
24 on the taxpayer's federal income tax return for the
25 taxable year under subsection (k) of Section 168 of
26 the Internal Revenue Code;

1 (D-16) If the taxpayer sells, transfers, abandons,
2 or otherwise disposes of property for which the
3 taxpayer was required in any taxable year to make an
4 addition modification under subparagraph (D-15), then
5 an amount equal to the aggregate amount of the
6 deductions taken in all taxable years under
7 subparagraph (Z) with respect to that property.

8 If the taxpayer continues to own property through
9 the last day of the last tax year for which a
10 subtraction is allowed with respect to that property
11 under subparagraph (Z) and for which the taxpayer was
12 allowed in any taxable year to make a subtraction
13 modification under subparagraph (Z), then an amount
14 equal to that subtraction modification.

15 The taxpayer is required to make the addition
16 modification under this subparagraph only once with
17 respect to any one piece of property;

18 (D-17) An amount equal to the amount otherwise
19 allowed as a deduction in computing base income for
20 interest paid, accrued, or incurred, directly or
21 indirectly, (i) for taxable years ending on or after
22 December 31, 2004, to a foreign person who would be a
23 member of the same unitary business group but for the
24 fact that foreign person's business activity outside
25 the United States is 80% or more of the foreign
26 person's total business activity and (ii) for taxable

1 years ending on or after December 31, 2008, to a person
2 who would be a member of the same unitary business
3 group but for the fact that the person is prohibited
4 under Section 1501(a)(27) from being included in the
5 unitary business group because he or she is ordinarily
6 required to apportion business income under different
7 subsections of Section 304. The addition modification
8 required by this subparagraph shall be reduced to the
9 extent that dividends were included in base income of
10 the unitary group for the same taxable year and
11 received by the taxpayer or by a member of the
12 taxpayer's unitary business group (including amounts
13 included in gross income under Sections 951 through
14 964 of the Internal Revenue Code and amounts included
15 in gross income under Section 78 of the Internal
16 Revenue Code) with respect to the stock of the same
17 person to whom the interest was paid, accrued, or
18 incurred.

19 This paragraph shall not apply to the following:

20 (i) an item of interest paid, accrued, or
21 incurred, directly or indirectly, to a person who
22 is subject in a foreign country or state, other
23 than a state which requires mandatory unitary
24 reporting, to a tax on or measured by net income
25 with respect to such interest; or

26 (ii) an item of interest paid, accrued, or

1 incurred, directly or indirectly, to a person if
2 the taxpayer can establish, based on a
3 preponderance of the evidence, both of the
4 following:

5 (a) the person, during the same taxable
6 year, paid, accrued, or incurred, the interest
7 to a person that is not a related member, and

8 (b) the transaction giving rise to the
9 interest expense between the taxpayer and the
10 person did not have as a principal purpose the
11 avoidance of Illinois income tax, and is paid
12 pursuant to a contract or agreement that
13 reflects an arm's-length interest rate and
14 terms; or

15 (iii) the taxpayer can establish, based on
16 clear and convincing evidence, that the interest
17 paid, accrued, or incurred relates to a contract
18 or agreement entered into at arm's-length rates
19 and terms and the principal purpose for the
20 payment is not federal or Illinois tax avoidance;
21 or

22 (iv) an item of interest paid, accrued, or
23 incurred, directly or indirectly, to a person if
24 the taxpayer establishes by clear and convincing
25 evidence that the adjustments are unreasonable; or
26 if the taxpayer and the Director agree in writing

1 to the application or use of an alternative method
2 of apportionment under Section 304(f).

3 Nothing in this subsection shall preclude the
4 Director from making any other adjustment
5 otherwise allowed under Section 404 of this Act
6 for any tax year beginning after the effective
7 date of this amendment provided such adjustment is
8 made pursuant to regulation adopted by the
9 Department and such regulations provide methods
10 and standards by which the Department will utilize
11 its authority under Section 404 of this Act;

12 (D-18) An amount equal to the amount of intangible
13 expenses and costs otherwise allowed as a deduction in
14 computing base income, and that were paid, accrued, or
15 incurred, directly or indirectly, (i) for taxable
16 years ending on or after December 31, 2004, to a
17 foreign person who would be a member of the same
18 unitary business group but for the fact that the
19 foreign person's business activity outside the United
20 States is 80% or more of that person's total business
21 activity and (ii) for taxable years ending on or after
22 December 31, 2008, to a person who would be a member of
23 the same unitary business group but for the fact that
24 the person is prohibited under Section 1501(a)(27)
25 from being included in the unitary business group
26 because he or she is ordinarily required to apportion

1 business income under different subsections of Section
2 304. The addition modification required by this
3 subparagraph shall be reduced to the extent that
4 dividends were included in base income of the unitary
5 group for the same taxable year and received by the
6 taxpayer or by a member of the taxpayer's unitary
7 business group (including amounts included in gross
8 income under Sections 951 through 964 of the Internal
9 Revenue Code and amounts included in gross income
10 under Section 78 of the Internal Revenue Code) with
11 respect to the stock of the same person to whom the
12 intangible expenses and costs were directly or
13 indirectly paid, incurred, or accrued. The preceding
14 sentence does not apply to the extent that the same
15 dividends caused a reduction to the addition
16 modification required under Section 203(a)(2)(D-17) of
17 this Act. As used in this subparagraph, the term
18 "intangible expenses and costs" includes (1) expenses,
19 losses, and costs for, or related to, the direct or
20 indirect acquisition, use, maintenance or management,
21 ownership, sale, exchange, or any other disposition of
22 intangible property; (2) losses incurred, directly or
23 indirectly, from factoring transactions or discounting
24 transactions; (3) royalty, patent, technical, and
25 copyright fees; (4) licensing fees; and (5) other
26 similar expenses and costs. For purposes of this

1 subparagraph, "intangible property" includes patents,
2 patent applications, trade names, trademarks, service
3 marks, copyrights, mask works, trade secrets, and
4 similar types of intangible assets.

5 This paragraph shall not apply to the following:

6 (i) any item of intangible expenses or costs
7 paid, accrued, or incurred, directly or
8 indirectly, from a transaction with a person who
9 is subject in a foreign country or state, other
10 than a state which requires mandatory unitary
11 reporting, to a tax on or measured by net income
12 with respect to such item; or

13 (ii) any item of intangible expense or cost
14 paid, accrued, or incurred, directly or
15 indirectly, if the taxpayer can establish, based
16 on a preponderance of the evidence, both of the
17 following:

18 (a) the person during the same taxable
19 year paid, accrued, or incurred, the
20 intangible expense or cost to a person that is
21 not a related member, and

22 (b) the transaction giving rise to the
23 intangible expense or cost between the
24 taxpayer and the person did not have as a
25 principal purpose the avoidance of Illinois
26 income tax, and is paid pursuant to a contract

1 or agreement that reflects arm's-length terms;

2 or

3 (iii) any item of intangible expense or cost
4 paid, accrued, or incurred, directly or
5 indirectly, from a transaction with a person if
6 the taxpayer establishes by clear and convincing
7 evidence, that the adjustments are unreasonable;
8 or if the taxpayer and the Director agree in
9 writing to the application or use of an
10 alternative method of apportionment under Section
11 304(f);

12 Nothing in this subsection shall preclude the
13 Director from making any other adjustment
14 otherwise allowed under Section 404 of this Act
15 for any tax year beginning after the effective
16 date of this amendment provided such adjustment is
17 made pursuant to regulation adopted by the
18 Department and such regulations provide methods
19 and standards by which the Department will utilize
20 its authority under Section 404 of this Act;

21 (D-19) For taxable years ending on or after
22 December 31, 2008, an amount equal to the amount of
23 insurance premium expenses and costs otherwise allowed
24 as a deduction in computing base income, and that were
25 paid, accrued, or incurred, directly or indirectly, to
26 a person who would be a member of the same unitary

1 business group but for the fact that the person is
2 prohibited under Section 1501(a)(27) from being
3 included in the unitary business group because he or
4 she is ordinarily required to apportion business
5 income under different subsections of Section 304. The
6 addition modification required by this subparagraph
7 shall be reduced to the extent that dividends were
8 included in base income of the unitary group for the
9 same taxable year and received by the taxpayer or by a
10 member of the taxpayer's unitary business group
11 (including amounts included in gross income under
12 Sections 951 through 964 of the Internal Revenue Code
13 and amounts included in gross income under Section 78
14 of the Internal Revenue Code) with respect to the
15 stock of the same person to whom the premiums and costs
16 were directly or indirectly paid, incurred, or
17 accrued. The preceding sentence does not apply to the
18 extent that the same dividends caused a reduction to
19 the addition modification required under Section
20 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this
21 Act;

22 (D-20) For taxable years beginning on or after
23 January 1, 2002 and ending on or before December 31,
24 2006, in the case of a distribution from a qualified
25 tuition program under Section 529 of the Internal
26 Revenue Code, other than (i) a distribution from a

1 College Savings Pool created under Section 16.5 of the
2 State Treasurer Act or (ii) a distribution from the
3 Illinois Prepaid Tuition Trust Fund, an amount equal
4 to the amount excluded from gross income under Section
5 529(c)(3)(B). For taxable years beginning on or after
6 January 1, 2007, in the case of a distribution from a
7 qualified tuition program under Section 529 of the
8 Internal Revenue Code, other than (i) a distribution
9 from a College Savings Pool created under Section 16.5
10 of the State Treasurer Act, (ii) a distribution from
11 the Illinois Prepaid Tuition Trust Fund, or (iii) a
12 distribution from a qualified tuition program under
13 Section 529 of the Internal Revenue Code that (I)
14 adopts and determines that its offering materials
15 comply with the College Savings Plans Network's
16 disclosure principles and (II) has made reasonable
17 efforts to inform in-state residents of the existence
18 of in-state qualified tuition programs by informing
19 Illinois residents directly and, where applicable, to
20 inform financial intermediaries distributing the
21 program to inform in-state residents of the existence
22 of in-state qualified tuition programs at least
23 annually, an amount equal to the amount excluded from
24 gross income under Section 529(c)(3)(B).

25 For the purposes of this subparagraph (D-20), a
26 qualified tuition program has made reasonable efforts

1 if it makes disclosures (which may use the term
2 "in-state program" or "in-state plan" and need not
3 specifically refer to Illinois or its qualified
4 programs by name) (i) directly to prospective
5 participants in its offering materials or makes a
6 public disclosure, such as a website posting; and (ii)
7 where applicable, to intermediaries selling the
8 out-of-state program in the same manner that the
9 out-of-state program distributes its offering
10 materials;

11 (D-20.5) For taxable years beginning on or after
12 January 1, 2018, in the case of a distribution from a
13 qualified ABLE program under Section 529A of the
14 Internal Revenue Code, other than a distribution from
15 a qualified ABLE program created under Section 16.6 of
16 the State Treasurer Act, an amount equal to the amount
17 excluded from gross income under Section 529A(c) (1) (B)
18 of the Internal Revenue Code;

19 (D-21) For taxable years beginning on or after
20 January 1, 2007, in the case of transfer of moneys from
21 a qualified tuition program under Section 529 of the
22 Internal Revenue Code that is administered by the
23 State to an out-of-state program, an amount equal to
24 the amount of moneys previously deducted from base
25 income under subsection (a) (2) (Y) of this Section;

26 (D-21.5) For taxable years beginning on or after

1 January 1, 2018, in the case of the transfer of moneys
2 from a qualified tuition program under Section 529 or
3 a qualified ABLE program under Section 529A of the
4 Internal Revenue Code that is administered by this
5 State to an ABLE account established under an
6 out-of-state ABLE account program, an amount equal to
7 the contribution component of the transferred amount
8 that was previously deducted from base income under
9 subsection (a)(2)(Y) or subsection (a)(2)(HH) of this
10 Section;

11 (D-22) For taxable years beginning on or after
12 January 1, 2009, and prior to January 1, 2018, in the
13 case of a nonqualified withdrawal or refund of moneys
14 from a qualified tuition program under Section 529 of
15 the Internal Revenue Code administered by the State
16 that is not used for qualified expenses at an eligible
17 education institution, an amount equal to the
18 contribution component of the nonqualified withdrawal
19 or refund that was previously deducted from base
20 income under subsection (a)(2)(y) of this Section,
21 provided that the withdrawal or refund did not result
22 from the beneficiary's death or disability. For
23 taxable years beginning on or after January 1, 2018:
24 (1) in the case of a nonqualified withdrawal or
25 refund, as defined under Section 16.5 of the State
26 Treasurer Act, of moneys from a qualified tuition

1 program under Section 529 of the Internal Revenue Code
2 administered by the State, an amount equal to the
3 contribution component of the nonqualified withdrawal
4 or refund that was previously deducted from base
5 income under subsection (a)(2)(Y) of this Section, and
6 (2) in the case of a nonqualified withdrawal or refund
7 from a qualified ABLE program under Section 529A of
8 the Internal Revenue Code administered by the State
9 that is not used for qualified disability expenses, an
10 amount equal to the contribution component of the
11 nonqualified withdrawal or refund that was previously
12 deducted from base income under subsection (a)(2)(HH)
13 of this Section;

14 (D-23) An amount equal to the credit allowable to
15 the taxpayer under Section 218(a) of this Act,
16 determined without regard to Section 218(c) of this
17 Act;

18 (D-24) For taxable years ending on or after
19 December 31, 2017, an amount equal to the deduction
20 allowed under Section 199 of the Internal Revenue Code
21 for the taxable year;

22 (D-25) In the case of a resident, an amount equal
23 to the amount of tax for which a credit is allowed
24 pursuant to Section 201(p)(7) of this Act;

25 and by deducting from the total so obtained the sum of the
26 following amounts:

1 (E) For taxable years ending before December 31,
2 2001, any amount included in such total in respect of
3 any compensation (including but not limited to any
4 compensation paid or accrued to a serviceman while a
5 prisoner of war or missing in action) paid to a
6 resident by reason of being on active duty in the Armed
7 Forces of the United States and in respect of any
8 compensation paid or accrued to a resident who as a
9 governmental employee was a prisoner of war or missing
10 in action, and in respect of any compensation paid to a
11 resident in 1971 or thereafter for annual training
12 performed pursuant to Sections 502 and 503, Title 32,
13 United States Code as a member of the Illinois
14 National Guard or, beginning with taxable years ending
15 on or after December 31, 2007, the National Guard of
16 any other state. For taxable years ending on or after
17 December 31, 2001, any amount included in such total
18 in respect of any compensation (including but not
19 limited to any compensation paid or accrued to a
20 serviceman while a prisoner of war or missing in
21 action) paid to a resident by reason of being a member
22 of any component of the Armed Forces of the United
23 States and in respect of any compensation paid or
24 accrued to a resident who as a governmental employee
25 was a prisoner of war or missing in action, and in
26 respect of any compensation paid to a resident in 2001

1 or thereafter by reason of being a member of the
2 Illinois National Guard or, beginning with taxable
3 years ending on or after December 31, 2007, the
4 National Guard of any other state. The provisions of
5 this subparagraph (E) are exempt from the provisions
6 of Section 250;

7 (F) An amount equal to all amounts included in
8 such total pursuant to the provisions of Sections
9 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
10 408 of the Internal Revenue Code, or included in such
11 total as distributions under the provisions of any
12 retirement or disability plan for employees of any
13 governmental agency or unit, or retirement payments to
14 retired partners, which payments are excluded in
15 computing net earnings from self employment by Section
16 1402 of the Internal Revenue Code and regulations
17 adopted pursuant thereto;

18 (G) The valuation limitation amount;

19 (H) An amount equal to the amount of any tax
20 imposed by this Act which was refunded to the taxpayer
21 and included in such total for the taxable year;

22 (I) An amount equal to all amounts included in
23 such total pursuant to the provisions of Section 111
24 of the Internal Revenue Code as a recovery of items
25 previously deducted from adjusted gross income in the
26 computation of taxable income;

1 (J) An amount equal to those dividends included in
2 such total which were paid by a corporation which
3 conducts business operations in a River Edge
4 Redevelopment Zone or zones created under the River
5 Edge Redevelopment Zone Act, and conducts
6 substantially all of its operations in a River Edge
7 Redevelopment Zone or zones. This subparagraph (J) is
8 exempt from the provisions of Section 250;

9 (K) An amount equal to those dividends included in
10 such total that were paid by a corporation that
11 conducts business operations in a federally designated
12 Foreign Trade Zone or Sub-Zone and that is designated
13 a High Impact Business located in Illinois; provided
14 that dividends eligible for the deduction provided in
15 subparagraph (J) of paragraph (2) of this subsection
16 shall not be eligible for the deduction provided under
17 this subparagraph (K);

18 (L) For taxable years ending after December 31,
19 1983, an amount equal to all social security benefits
20 and railroad retirement benefits included in such
21 total pursuant to Sections 72(r) and 86 of the
22 Internal Revenue Code;

23 (M) With the exception of any amounts subtracted
24 under subparagraph (N), an amount equal to the sum of
25 all amounts disallowed as deductions by (i) Sections
26 171(a)(2) and 265(a)(2) of the Internal Revenue Code,

1 and all amounts of expenses allocable to interest and
2 disallowed as deductions by Section 265(a)(1) of the
3 Internal Revenue Code; and (ii) for taxable years
4 ending on or after August 13, 1999, Sections
5 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
6 Internal Revenue Code, plus, for taxable years ending
7 on or after December 31, 2011, Section 45G(e)(3) of
8 the Internal Revenue Code and, for taxable years
9 ending on or after December 31, 2008, any amount
10 included in gross income under Section 87 of the
11 Internal Revenue Code; the provisions of this
12 subparagraph are exempt from the provisions of Section
13 250;

14 (N) An amount equal to all amounts included in
15 such total which are exempt from taxation by this
16 State either by reason of its statutes or Constitution
17 or by reason of the Constitution, treaties or statutes
18 of the United States; provided that, in the case of any
19 statute of this State that exempts income derived from
20 bonds or other obligations from the tax imposed under
21 this Act, the amount exempted shall be the interest
22 net of bond premium amortization;

23 (O) An amount equal to any contribution made to a
24 job training project established pursuant to the Tax
25 Increment Allocation Redevelopment Act;

26 (P) An amount equal to the amount of the deduction

1 used to compute the federal income tax credit for
2 restoration of substantial amounts held under claim of
3 right for the taxable year pursuant to Section 1341 of
4 the Internal Revenue Code or of any itemized deduction
5 taken from adjusted gross income in the computation of
6 taxable income for restoration of substantial amounts
7 held under claim of right for the taxable year;

8 (Q) An amount equal to any amounts included in
9 such total, received by the taxpayer as an
10 acceleration in the payment of life, endowment or
11 annuity benefits in advance of the time they would
12 otherwise be payable as an indemnity for a terminal
13 illness;

14 (R) An amount equal to the amount of any federal or
15 State bonus paid to veterans of the Persian Gulf War;

16 (S) An amount, to the extent included in adjusted
17 gross income, equal to the amount of a contribution
18 made in the taxable year on behalf of the taxpayer to a
19 medical care savings account established under the
20 Medical Care Savings Account Act or the Medical Care
21 Savings Account Act of 2000 to the extent the
22 contribution is accepted by the account administrator
23 as provided in that Act;

24 (T) An amount, to the extent included in adjusted
25 gross income, equal to the amount of interest earned
26 in the taxable year on a medical care savings account

1 established under the Medical Care Savings Account Act
2 or the Medical Care Savings Account Act of 2000 on
3 behalf of the taxpayer, other than interest added
4 pursuant to item (D-5) of this paragraph (2);

5 (U) For one taxable year beginning on or after
6 January 1, 1994, an amount equal to the total amount of
7 tax imposed and paid under subsections (a) and (b) of
8 Section 201 of this Act on grant amounts received by
9 the taxpayer under the Nursing Home Grant Assistance
10 Act during the taxpayer's taxable years 1992 and 1993;

11 (V) Beginning with tax years ending on or after
12 December 31, 1995 and ending with tax years ending on
13 or before December 31, 2004, an amount equal to the
14 amount paid by a taxpayer who is a self-employed
15 taxpayer, a partner of a partnership, or a shareholder
16 in a Subchapter S corporation for health insurance or
17 long-term care insurance for that taxpayer or that
18 taxpayer's spouse or dependents, to the extent that
19 the amount paid for that health insurance or long-term
20 care insurance may be deducted under Section 213 of
21 the Internal Revenue Code, has not been deducted on
22 the federal income tax return of the taxpayer, and
23 does not exceed the taxable income attributable to
24 that taxpayer's income, self-employment income, or
25 Subchapter S corporation income; except that no
26 deduction shall be allowed under this item (V) if the

1 taxpayer is eligible to participate in any health
2 insurance or long-term care insurance plan of an
3 employer of the taxpayer or the taxpayer's spouse. The
4 amount of the health insurance and long-term care
5 insurance subtracted under this item (V) shall be
6 determined by multiplying total health insurance and
7 long-term care insurance premiums paid by the taxpayer
8 times a number that represents the fractional
9 percentage of eligible medical expenses under Section
10 213 of the Internal Revenue Code of 1986 not actually
11 deducted on the taxpayer's federal income tax return;

12 (W) For taxable years beginning on or after
13 January 1, 1998, all amounts included in the
14 taxpayer's federal gross income in the taxable year
15 from amounts converted from a regular IRA to a Roth
16 IRA. This paragraph is exempt from the provisions of
17 Section 250;

18 (X) For taxable year 1999 and thereafter, an
19 amount equal to the amount of any (i) distributions,
20 to the extent includible in gross income for federal
21 income tax purposes, made to the taxpayer because of
22 his or her status as a victim of persecution for racial
23 or religious reasons by Nazi Germany or any other Axis
24 regime or as an heir of the victim and (ii) items of
25 income, to the extent includible in gross income for
26 federal income tax purposes, attributable to, derived

1 from or in any way related to assets stolen from,
2 hidden from, or otherwise lost to a victim of
3 persecution for racial or religious reasons by Nazi
4 Germany or any other Axis regime immediately prior to,
5 during, and immediately after World War II, including,
6 but not limited to, interest on the proceeds
7 receivable as insurance under policies issued to a
8 victim of persecution for racial or religious reasons
9 by Nazi Germany or any other Axis regime by European
10 insurance companies immediately prior to and during
11 World War II; provided, however, this subtraction from
12 federal adjusted gross income does not apply to assets
13 acquired with such assets or with the proceeds from
14 the sale of such assets; provided, further, this
15 paragraph shall only apply to a taxpayer who was the
16 first recipient of such assets after their recovery
17 and who is a victim of persecution for racial or
18 religious reasons by Nazi Germany or any other Axis
19 regime or as an heir of the victim. The amount of and
20 the eligibility for any public assistance, benefit, or
21 similar entitlement is not affected by the inclusion
22 of items (i) and (ii) of this paragraph in gross income
23 for federal income tax purposes. This paragraph is
24 exempt from the provisions of Section 250;

25 (Y) For taxable years beginning on or after
26 January 1, 2002 and ending on or before December 31,

1 2004, moneys contributed in the taxable year to a
2 College Savings Pool account under Section 16.5 of the
3 State Treasurer Act, except that amounts excluded from
4 gross income under Section 529(c)(3)(C)(i) of the
5 Internal Revenue Code shall not be considered moneys
6 contributed under this subparagraph (Y). For taxable
7 years beginning on or after January 1, 2005, a maximum
8 of \$10,000 contributed in the taxable year to (i) a
9 College Savings Pool account under Section 16.5 of the
10 State Treasurer Act or (ii) the Illinois Prepaid
11 Tuition Trust Fund, except that amounts excluded from
12 gross income under Section 529(c)(3)(C)(i) of the
13 Internal Revenue Code shall not be considered moneys
14 contributed under this subparagraph (Y). For purposes
15 of this subparagraph, contributions made by an
16 employer on behalf of an employee, or matching
17 contributions made by an employee, shall be treated as
18 made by the employee. This subparagraph (Y) is exempt
19 from the provisions of Section 250;

20 (Z) For taxable years 2001 and thereafter, for the
21 taxable year in which the bonus depreciation deduction
22 is taken on the taxpayer's federal income tax return
23 under subsection (k) of Section 168 of the Internal
24 Revenue Code and for each applicable taxable year
25 thereafter, an amount equal to "x", where:

26 (1) "y" equals the amount of the depreciation

1 deduction taken for the taxable year on the
2 taxpayer's federal income tax return on property
3 for which the bonus depreciation deduction was
4 taken in any year under subsection (k) of Section
5 168 of the Internal Revenue Code, but not
6 including the bonus depreciation deduction;

7 (2) for taxable years ending on or before
8 December 31, 2005, "x" equals "y" multiplied by 30
9 and then divided by 70 (or "y" multiplied by
10 0.429); and

11 (3) for taxable years ending after December
12 31, 2005:

13 (i) for property on which a bonus
14 depreciation deduction of 30% of the adjusted
15 basis was taken, "x" equals "y" multiplied by
16 30 and then divided by 70 (or "y" multiplied
17 by 0.429);

18 (ii) for property on which a bonus
19 depreciation deduction of 50% of the adjusted
20 basis was taken, "x" equals "y" multiplied by
21 1.0;

22 (iii) for property on which a bonus
23 depreciation deduction of 100% of the adjusted
24 basis was taken in a taxable year ending on or
25 after December 31, 2021, "x" equals the
26 depreciation deduction that would be allowed

1 on that property if the taxpayer had made the
2 election under Section 168(k)(7) of the
3 Internal Revenue Code to not claim bonus
4 depreciation on that property; and

5 (iv) for property on which a bonus
6 depreciation deduction of a percentage other
7 than 30%, 50% or 100% of the adjusted basis
8 was taken in a taxable year ending on or after
9 December 31, 2021, "x" equals "y" multiplied
10 by 100 times the percentage bonus depreciation
11 on the property (that is, $100(\text{bonus}\%)$) and
12 then divided by 100 times 1 minus the
13 percentage bonus depreciation on the property
14 (that is, $100(1-\text{bonus}\%)$).

15 The aggregate amount deducted under this
16 subparagraph in all taxable years for any one piece of
17 property may not exceed the amount of the bonus
18 depreciation deduction taken on that property on the
19 taxpayer's federal income tax return under subsection
20 (k) of Section 168 of the Internal Revenue Code. This
21 subparagraph (Z) is exempt from the provisions of
22 Section 250;

23 (AA) If the taxpayer sells, transfers, abandons,
24 or otherwise disposes of property for which the
25 taxpayer was required in any taxable year to make an
26 addition modification under subparagraph (D-15), then

1 an amount equal to that addition modification.

2 If the taxpayer continues to own property through
3 the last day of the last tax year for which a
4 subtraction is allowed with respect to that property
5 under subparagraph (Z) and for which the taxpayer was
6 required in any taxable year to make an addition
7 modification under subparagraph (D-15), then an amount
8 equal to that addition modification.

9 The taxpayer is allowed to take the deduction
10 under this subparagraph only once with respect to any
11 one piece of property.

12 This subparagraph (AA) is exempt from the
13 provisions of Section 250;

14 (BB) Any amount included in adjusted gross income,
15 other than salary, received by a driver in a
16 ridesharing arrangement using a motor vehicle;

17 (CC) The amount of (i) any interest income (net of
18 the deductions allocable thereto) taken into account
19 for the taxable year with respect to a transaction
20 with a taxpayer that is required to make an addition
21 modification with respect to such transaction under
22 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
23 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
24 the amount of that addition modification, and (ii) any
25 income from intangible property (net of the deductions
26 allocable thereto) taken into account for the taxable

1 year with respect to a transaction with a taxpayer
2 that is required to make an addition modification with
3 respect to such transaction under Section
4 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
5 203(d)(2)(D-8), but not to exceed the amount of that
6 addition modification. This subparagraph (CC) is
7 exempt from the provisions of Section 250;

8 (DD) An amount equal to the interest income taken
9 into account for the taxable year (net of the
10 deductions allocable thereto) with respect to
11 transactions with (i) a foreign person who would be a
12 member of the taxpayer's unitary business group but
13 for the fact that the foreign person's business
14 activity outside the United States is 80% or more of
15 that person's total business activity and (ii) for
16 taxable years ending on or after December 31, 2008, to
17 a person who would be a member of the same unitary
18 business group but for the fact that the person is
19 prohibited under Section 1501(a)(27) from being
20 included in the unitary business group because he or
21 she is ordinarily required to apportion business
22 income under different subsections of Section 304, but
23 not to exceed the addition modification required to be
24 made for the same taxable year under Section
25 203(a)(2)(D-17) for interest paid, accrued, or
26 incurred, directly or indirectly, to the same person.

1 This subparagraph (DD) is exempt from the provisions
2 of Section 250;

3 (EF) An amount equal to the income from intangible
4 property taken into account for the taxable year (net
5 of the deductions allocable thereto) with respect to
6 transactions with (i) a foreign person who would be a
7 member of the taxpayer's unitary business group but
8 for the fact that the foreign person's business
9 activity outside the United States is 80% or more of
10 that person's total business activity and (ii) for
11 taxable years ending on or after December 31, 2008, to
12 a person who would be a member of the same unitary
13 business group but for the fact that the person is
14 prohibited under Section 1501(a)(27) from being
15 included in the unitary business group because he or
16 she is ordinarily required to apportion business
17 income under different subsections of Section 304, but
18 not to exceed the addition modification required to be
19 made for the same taxable year under Section
20 203(a)(2)(D-18) for intangible expenses and costs
21 paid, accrued, or incurred, directly or indirectly, to
22 the same foreign person. This subparagraph (EF) is
23 exempt from the provisions of Section 250;

24 (FG) An amount equal to any amount awarded to the
25 taxpayer during the taxable year by the Court of
26 Claims under subsection (c) of Section 8 of the Court

1 of Claims Act for time unjustly served in a State
2 prison. This subparagraph (FF) is exempt from the
3 provisions of Section 250;

4 (GG) For taxable years ending on or after December
5 31, 2011, in the case of a taxpayer who was required to
6 add back any insurance premiums under Section
7 203(a)(2)(D-19), such taxpayer may elect to subtract
8 that part of a reimbursement received from the
9 insurance company equal to the amount of the expense
10 or loss (including expenses incurred by the insurance
11 company) that would have been taken into account as a
12 deduction for federal income tax purposes if the
13 expense or loss had been uninsured. If a taxpayer
14 makes the election provided for by this subparagraph
15 (GG), the insurer to which the premiums were paid must
16 add back to income the amount subtracted by the
17 taxpayer pursuant to this subparagraph (GG). This
18 subparagraph (GG) is exempt from the provisions of
19 Section 250;

20 (HH) For taxable years beginning on or after
21 January 1, 2018 and prior to January 1, 2028, a maximum
22 of \$10,000 contributed in the taxable year to a
23 qualified ABLE account under Section 16.6 of the State
24 Treasurer Act, except that amounts excluded from gross
25 income under Section 529(c)(3)(C)(i) or Section
26 529A(c)(1)(C) of the Internal Revenue Code shall not

1 be considered moneys contributed under this
2 subparagraph (HH). For purposes of this subparagraph
3 (HH), contributions made by an employer on behalf of
4 an employee, or matching contributions made by an
5 employee, shall be treated as made by the employee;

6 (II) For taxable years that begin on or after
7 January 1, 2021 and begin before January 1, 2026, the
8 amount that is included in the taxpayer's federal
9 adjusted gross income pursuant to Section 61 of the
10 Internal Revenue Code as discharge of indebtedness
11 attributable to student loan forgiveness and that is
12 not excluded from the taxpayer's federal adjusted
13 gross income pursuant to paragraph (5) of subsection
14 (f) of Section 108 of the Internal Revenue Code;

15 (JJ) For taxable years beginning on or after
16 January 1, 2023, for any cannabis establishment
17 operating in this State and licensed under the
18 Cannabis Regulation and Tax Act or any cannabis
19 cultivation center or medical cannabis dispensing
20 organization operating in this State and licensed
21 under the Compassionate Use of Medical Cannabis
22 Program Act, an amount equal to the deductions that
23 were disallowed under Section 280E of the Internal
24 Revenue Code for the taxable year and that would not be
25 added back under this subsection. The provisions of
26 this subparagraph (JJ) are exempt from the provisions

1 of Section 250; ~~and~~

2 (KK) To the extent includible in gross income for
3 federal income tax purposes, any amount awarded or
4 paid to the taxpayer as a result of a judgment or
5 settlement for fertility fraud as provided in Section
6 15 of the Illinois Fertility Fraud Act, donor
7 fertility fraud as provided in Section 20 of the
8 Illinois Fertility Fraud Act, or similar action in
9 another state; ~~and~~

10 (LL) For taxable years beginning on or after
11 January 1, 2026, if the taxpayer is a qualified
12 worker, as defined in the Workforce Development
13 through Charitable Loan Repayment Act, an amount equal
14 to the amount included in the taxpayer's federal
15 adjusted gross income that is attributable to student
16 loan repayment assistance received by the taxpayer
17 during the taxable year from a qualified community
18 foundation under the provisions of the Workforce
19 Development through ~~Through~~ Charitable Loan Repayment
20 Act.

21 This subparagraph (LL) is exempt from the
22 provisions of Section 250; and ~~and~~

23 (MM) ~~(LL)~~ For taxable years beginning on or after
24 January 1, 2025, if the taxpayer is an eligible
25 resident as defined in the Medical Debt Relief Act, an
26 amount equal to the amount included in the taxpayer's

1 federal adjusted gross income that is attributable to
2 medical debt relief received by the taxpayer during
3 the taxable year from a nonprofit medical debt relief
4 coordinator under the provisions of the Medical Debt
5 Relief Act. This subparagraph (MM) ~~(LL)~~ is exempt from
6 the provisions of Section 250.

7 (b) Corporations.

8 (1) In general. In the case of a corporation, base
9 income means an amount equal to the taxpayer's taxable
10 income for the taxable year as modified by paragraph (2).

11 (2) Modifications. The taxable income referred to in
12 paragraph (1) shall be modified by adding thereto the sum
13 of the following amounts:

14 (A) An amount equal to all amounts paid or accrued
15 to the taxpayer as interest and all distributions
16 received from regulated investment companies during
17 the taxable year to the extent excluded from gross
18 income in the computation of taxable income;

19 (B) An amount equal to the amount of tax imposed by
20 this Act to the extent deducted from gross income in
21 the computation of taxable income for the taxable
22 year;

23 (C) In the case of a regulated investment company,
24 an amount equal to the excess of (i) the net long-term
25 capital gain for the taxable year, over (ii) the

1 amount of the capital gain dividends designated as
2 such in accordance with Section 852(b)(3)(C) of the
3 Internal Revenue Code and any amount designated under
4 Section 852(b)(3)(D) of the Internal Revenue Code,
5 attributable to the taxable year (this amendatory Act
6 of 1995 (Public Act 89-89) is declarative of existing
7 law and is not a new enactment);

8 (D) The amount of any net operating loss deduction
9 taken in arriving at taxable income, other than a net
10 operating loss carried forward from a taxable year
11 ending prior to December 31, 1986;

12 (E) For taxable years in which a net operating
13 loss carryback or carryforward from a taxable year
14 ending prior to December 31, 1986 is an element of
15 taxable income under paragraph (1) of subsection (e)
16 or subparagraph (E) of paragraph (2) of subsection
17 (e), the amount by which addition modifications other
18 than those provided by this subparagraph (E) exceeded
19 subtraction modifications in such earlier taxable
20 year, with the following limitations applied in the
21 order that they are listed:

22 (i) the addition modification relating to the
23 net operating loss carried back or forward to the
24 taxable year from any taxable year ending prior to
25 December 31, 1986 shall be reduced by the amount
26 of addition modification under this subparagraph

1 (E) which related to that net operating loss and
2 which was taken into account in calculating the
3 base income of an earlier taxable year, and

4 (ii) the addition modification relating to the
5 net operating loss carried back or forward to the
6 taxable year from any taxable year ending prior to
7 December 31, 1986 shall not exceed the amount of
8 such carryback or carryforward;

9 For taxable years in which there is a net
10 operating loss carryback or carryforward from more
11 than one other taxable year ending prior to December
12 31, 1986, the addition modification provided in this
13 subparagraph (E) shall be the sum of the amounts
14 computed independently under the preceding provisions
15 of this subparagraph (E) for each such taxable year;

16 (E-5) For taxable years ending after December 31,
17 1997, an amount equal to any eligible remediation
18 costs that the corporation deducted in computing
19 adjusted gross income and for which the corporation
20 claims a credit under subsection (l) of Section 201;

21 (E-10) For taxable years 2001 and thereafter, an
22 amount equal to the bonus depreciation deduction taken
23 on the taxpayer's federal income tax return for the
24 taxable year under subsection (k) of Section 168 of
25 the Internal Revenue Code;

26 (E-11) If the taxpayer sells, transfers, abandons,

1 or otherwise disposes of property for which the
2 taxpayer was required in any taxable year to make an
3 addition modification under subparagraph (E-10), then
4 an amount equal to the aggregate amount of the
5 deductions taken in all taxable years under
6 subparagraph (T) with respect to that property.

7 If the taxpayer continues to own property through
8 the last day of the last tax year for which a
9 subtraction is allowed with respect to that property
10 under subparagraph (T) and for which the taxpayer was
11 allowed in any taxable year to make a subtraction
12 modification under subparagraph (T), then an amount
13 equal to that subtraction modification.

14 The taxpayer is required to make the addition
15 modification under this subparagraph only once with
16 respect to any one piece of property;

17 (E-12) An amount equal to the amount otherwise
18 allowed as a deduction in computing base income for
19 interest paid, accrued, or incurred, directly or
20 indirectly, (i) for taxable years ending on or after
21 December 31, 2004, to a foreign person who would be a
22 member of the same unitary business group but for the
23 fact the foreign person's business activity outside
24 the United States is 80% or more of the foreign
25 person's total business activity and (ii) for taxable
26 years ending on or after December 31, 2008, to a person

1 who would be a member of the same unitary business
2 group but for the fact that the person is prohibited
3 under Section 1501(a)(27) from being included in the
4 unitary business group because he or she is ordinarily
5 required to apportion business income under different
6 subsections of Section 304. The addition modification
7 required by this subparagraph shall be reduced to the
8 extent that dividends were included in base income of
9 the unitary group for the same taxable year and
10 received by the taxpayer or by a member of the
11 taxpayer's unitary business group (including amounts
12 included in gross income pursuant to Sections 951
13 through 964 of the Internal Revenue Code and amounts
14 included in gross income under Section 78 of the
15 Internal Revenue Code) with respect to the stock of
16 the same person to whom the interest was paid,
17 accrued, or incurred.

18 This paragraph shall not apply to the following:

19 (i) an item of interest paid, accrued, or
20 incurred, directly or indirectly, to a person who
21 is subject in a foreign country or state, other
22 than a state which requires mandatory unitary
23 reporting, to a tax on or measured by net income
24 with respect to such interest; or

25 (ii) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person if

1 the taxpayer can establish, based on a
2 preponderance of the evidence, both of the
3 following:

4 (a) the person, during the same taxable
5 year, paid, accrued, or incurred, the interest
6 to a person that is not a related member, and

7 (b) the transaction giving rise to the
8 interest expense between the taxpayer and the
9 person did not have as a principal purpose the
10 avoidance of Illinois income tax, and is paid
11 pursuant to a contract or agreement that
12 reflects an arm's-length interest rate and
13 terms; or

14 (iii) the taxpayer can establish, based on
15 clear and convincing evidence, that the interest
16 paid, accrued, or incurred relates to a contract
17 or agreement entered into at arm's-length rates
18 and terms and the principal purpose for the
19 payment is not federal or Illinois tax avoidance;
20 or

21 (iv) an item of interest paid, accrued, or
22 incurred, directly or indirectly, to a person if
23 the taxpayer establishes by clear and convincing
24 evidence that the adjustments are unreasonable; or
25 if the taxpayer and the Director agree in writing
26 to the application or use of an alternative method

1 of apportionment under Section 304(f).

2 Nothing in this subsection shall preclude the
3 Director from making any other adjustment
4 otherwise allowed under Section 404 of this Act
5 for any tax year beginning after the effective
6 date of this amendment provided such adjustment is
7 made pursuant to regulation adopted by the
8 Department and such regulations provide methods
9 and standards by which the Department will utilize
10 its authority under Section 404 of this Act;

11 (E-13) An amount equal to the amount of intangible
12 expenses and costs otherwise allowed as a deduction in
13 computing base income, and that were paid, accrued, or
14 incurred, directly or indirectly, (i) for taxable
15 years ending on or after December 31, 2004, to a
16 foreign person who would be a member of the same
17 unitary business group but for the fact that the
18 foreign person's business activity outside the United
19 States is 80% or more of that person's total business
20 activity and (ii) for taxable years ending on or after
21 December 31, 2008, to a person who would be a member of
22 the same unitary business group but for the fact that
23 the person is prohibited under Section 1501(a)(27)
24 from being included in the unitary business group
25 because he or she is ordinarily required to apportion
26 business income under different subsections of Section

304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents,

1 patent applications, trade names, trademarks, service
2 marks, copyrights, mask works, trade secrets, and
3 similar types of intangible assets.

4 This paragraph shall not apply to the following:

5 (i) any item of intangible expenses or costs
6 paid, accrued, or incurred, directly or
7 indirectly, from a transaction with a person who
8 is subject in a foreign country or state, other
9 than a state which requires mandatory unitary
10 reporting, to a tax on or measured by net income
11 with respect to such item; or

12 (ii) any item of intangible expense or cost
13 paid, accrued, or incurred, directly or
14 indirectly, if the taxpayer can establish, based
15 on a preponderance of the evidence, both of the
16 following:

17 (a) the person during the same taxable
18 year paid, accrued, or incurred, the
19 intangible expense or cost to a person that is
20 not a related member, and

21 (b) the transaction giving rise to the
22 intangible expense or cost between the
23 taxpayer and the person did not have as a
24 principal purpose the avoidance of Illinois
25 income tax, and is paid pursuant to a contract
26 or agreement that reflects arm's-length terms;

1 or

2 (iii) any item of intangible expense or cost
3 paid, accrued, or incurred, directly or
4 indirectly, from a transaction with a person if
5 the taxpayer establishes by clear and convincing
6 evidence, that the adjustments are unreasonable;
7 or if the taxpayer and the Director agree in
8 writing to the application or use of an
9 alternative method of apportionment under Section
10 304(f);

11 Nothing in this subsection shall preclude the
12 Director from making any other adjustment
13 otherwise allowed under Section 404 of this Act
14 for any tax year beginning after the effective
15 date of this amendment provided such adjustment is
16 made pursuant to regulation adopted by the
17 Department and such regulations provide methods
18 and standards by which the Department will utilize
19 its authority under Section 404 of this Act;

20 (E-14) For taxable years ending on or after
21 December 31, 2008, an amount equal to the amount of
22 insurance premium expenses and costs otherwise allowed
23 as a deduction in computing base income, and that were
24 paid, accrued, or incurred, directly or indirectly, to
25 a person who would be a member of the same unitary
26 business group but for the fact that the person is

1 prohibited under Section 1501(a)(27) from being
2 included in the unitary business group because he or
3 she is ordinarily required to apportion business
4 income under different subsections of Section 304. The
5 addition modification required by this subparagraph
6 shall be reduced to the extent that dividends were
7 included in base income of the unitary group for the
8 same taxable year and received by the taxpayer or by a
9 member of the taxpayer's unitary business group
10 (including amounts included in gross income under
11 Sections 951 through 964 of the Internal Revenue Code
12 and amounts included in gross income under Section 78
13 of the Internal Revenue Code) with respect to the
14 stock of the same person to whom the premiums and costs
15 were directly or indirectly paid, incurred, or
16 accrued. The preceding sentence does not apply to the
17 extent that the same dividends caused a reduction to
18 the addition modification required under Section
19 203(b)(2)(E-12) or Section 203(b)(2)(E-13) of this
20 Act;

21 (E-15) For taxable years beginning after December
22 31, 2008, any deduction for dividends paid by a
23 captive real estate investment trust that is allowed
24 to a real estate investment trust under Section
25 857(b)(2)(B) of the Internal Revenue Code for
26 dividends paid;

1 (E-16) An amount equal to the credit allowable to
2 the taxpayer under Section 218(a) of this Act,
3 determined without regard to Section 218(c) of this
4 Act;

5 (E-17) For taxable years ending on or after
6 December 31, 2017, an amount equal to the deduction
7 allowed under Section 199 of the Internal Revenue Code
8 for the taxable year;

9 (E-18) for taxable years beginning after December
10 31, 2018, an amount equal to the deduction allowed
11 under Section 250(a)(1)(A) of the Internal Revenue
12 Code for the taxable year;

13 (E-19) for taxable years ending on or after June
14 30, 2021, an amount equal to the deduction allowed
15 under Section 250(a)(1)(B)(i) of the Internal Revenue
16 Code for the taxable year;

17 (E-20) for taxable years ending on or after June
18 30, 2021, an amount equal to the deduction allowed
19 under Sections 243(e) and 245A(a) of the Internal
20 Revenue Code for the taxable year;

21 (E-21) the amount that is claimed as a federal
22 deduction when computing the taxpayer's federal
23 taxable income for the taxable year and that is
24 attributable to an endowment gift for which the
25 taxpayer receives a credit under the Illinois Gives
26 Tax Credit Act;

1 and by deducting from the total so obtained the sum of the
2 following amounts:

3 (F) An amount equal to the amount of any tax
4 imposed by this Act which was refunded to the taxpayer
5 and included in such total for the taxable year;

6 (G) An amount equal to any amount included in such
7 total under Section 78 of the Internal Revenue Code;

8 (H) In the case of a regulated investment company,
9 an amount equal to the amount of exempt interest
10 dividends as defined in subsection (b)(5) of Section
11 852 of the Internal Revenue Code, paid to shareholders
12 for the taxable year;

13 (I) With the exception of any amounts subtracted
14 under subparagraph (J), an amount equal to the sum of
15 all amounts disallowed as deductions by (i) Sections
16 171(a)(2) and 265(a)(2) and amounts disallowed as
17 interest expense by Section 291(a)(3) of the Internal
18 Revenue Code, and all amounts of expenses allocable to
19 interest and disallowed as deductions by Section
20 265(a)(1) of the Internal Revenue Code; and (ii) for
21 taxable years ending on or after August 13, 1999,
22 Sections 171(a)(2), 265, 280C, 291(a)(3), and
23 832(b)(5)(B)(i) of the Internal Revenue Code, plus,
24 for tax years ending on or after December 31, 2011,
25 amounts disallowed as deductions by Section 45G(e)(3)
26 of the Internal Revenue Code and, for taxable years

1 ending on or after December 31, 2008, any amount
2 included in gross income under Section 87 of the
3 Internal Revenue Code and the policyholders' share of
4 tax-exempt interest of a life insurance company under
5 Section 807(a)(2)(B) of the Internal Revenue Code (in
6 the case of a life insurance company with gross income
7 from a decrease in reserves for the tax year) or
8 Section 807(b)(1)(B) of the Internal Revenue Code (in
9 the case of a life insurance company allowed a
10 deduction for an increase in reserves for the tax
11 year); the provisions of this subparagraph are exempt
12 from the provisions of Section 250;

13 (J) An amount equal to all amounts included in
14 such total which are exempt from taxation by this
15 State either by reason of its statutes or Constitution
16 or by reason of the Constitution, treaties or statutes
17 of the United States; provided that, in the case of any
18 statute of this State that exempts income derived from
19 bonds or other obligations from the tax imposed under
20 this Act, the amount exempted shall be the interest
21 net of bond premium amortization;

22 (K) An amount equal to those dividends included in
23 such total which were paid by a corporation which
24 conducts business operations in a River Edge
25 Redevelopment Zone or zones created under the River
26 Edge Redevelopment Zone Act and conducts substantially

1 all of its operations in a River Edge Redevelopment
2 Zone or zones. This subparagraph (K) is exempt from
3 the provisions of Section 250;

4 (L) An amount equal to those dividends included in
5 such total that were paid by a corporation that
6 conducts business operations in a federally designated
7 Foreign Trade Zone or Sub-Zone and that is designated
8 a High Impact Business located in Illinois; provided
9 that dividends eligible for the deduction provided in
10 subparagraph (K) of paragraph 2 of this subsection
11 shall not be eligible for the deduction provided under
12 this subparagraph (L);

13 (M) For any taxpayer that is a financial
14 organization within the meaning of Section 304(c) of
15 this Act, an amount included in such total as interest
16 income from a loan or loans made by such taxpayer to a
17 borrower, to the extent that such a loan is secured by
18 property which is eligible for the River Edge
19 Redevelopment Zone Investment Credit. To determine the
20 portion of a loan or loans that is secured by property
21 eligible for a Section 201(f) investment credit to the
22 borrower, the entire principal amount of the loan or
23 loans between the taxpayer and the borrower should be
24 divided into the basis of the Section 201(f)
25 investment credit property which secures the loan or
26 loans, using for this purpose the original basis of

1 such property on the date that it was placed in service
2 in the River Edge Redevelopment Zone. The subtraction
3 modification available to the taxpayer in any year
4 under this subsection shall be that portion of the
5 total interest paid by the borrower with respect to
6 such loan attributable to the eligible property as
7 calculated under the previous sentence. This
8 subparagraph (M) is exempt from the provisions of
9 Section 250;

10 (M-1) For any taxpayer that is a financial
11 organization within the meaning of Section 304(c) of
12 this Act, an amount included in such total as interest
13 income from a loan or loans made by such taxpayer to a
14 borrower, to the extent that such a loan is secured by
15 property which is eligible for the High Impact
16 Business Investment Credit. To determine the portion
17 of a loan or loans that is secured by property eligible
18 for a Section 201(h) investment credit to the
19 borrower, the entire principal amount of the loan or
20 loans between the taxpayer and the borrower should be
21 divided into the basis of the Section 201(h)
22 investment credit property which secures the loan or
23 loans, using for this purpose the original basis of
24 such property on the date that it was placed in service
25 in a federally designated Foreign Trade Zone or
26 Sub-Zone located in Illinois. No taxpayer that is

1 eligible for the deduction provided in subparagraph
2 (M) of paragraph (2) of this subsection shall be
3 eligible for the deduction provided under this
4 subparagraph (M-1). The subtraction modification
5 available to taxpayers in any year under this
6 subsection shall be that portion of the total interest
7 paid by the borrower with respect to such loan
8 attributable to the eligible property as calculated
9 under the previous sentence;

10 (N) Two times any contribution made during the
11 taxable year to a designated zone organization to the
12 extent that the contribution (i) qualifies as a
13 charitable contribution under subsection (c) of
14 Section 170 of the Internal Revenue Code and (ii)
15 must, by its terms, be used for a project approved by
16 the Department of Commerce and Economic Opportunity
17 under Section 11 of the Illinois Enterprise Zone Act
18 or under Section 10-10 of the River Edge Redevelopment
19 Zone Act. This subparagraph (N) is exempt from the
20 provisions of Section 250;

21 (O) An amount equal to: (i) 85% for taxable years
22 ending on or before December 31, 1992, or, a
23 percentage equal to the percentage allowable under
24 Section 243(a)(1) of the Internal Revenue Code of 1986
25 for taxable years ending after December 31, 1992, of
26 the amount by which dividends included in taxable

1 income and received from a corporation that is not
2 created or organized under the laws of the United
3 States or any state or political subdivision thereof,
4 including, for taxable years ending on or after
5 December 31, 1988, dividends received or deemed
6 received or paid or deemed paid under Sections 951
7 through 965 of the Internal Revenue Code, exceed the
8 amount of the modification provided under subparagraph
9 (G) of paragraph (2) of this subsection (b) which is
10 related to such dividends, and including, for taxable
11 years ending on or after December 31, 2008, dividends
12 received from a captive real estate investment trust;
13 plus (ii) 100% of the amount by which dividends,
14 included in taxable income and received, including,
15 for taxable years ending on or after December 31,
16 1988, dividends received or deemed received or paid or
17 deemed paid under Sections 951 through 964 of the
18 Internal Revenue Code and including, for taxable years
19 ending on or after December 31, 2008, dividends
20 received from a captive real estate investment trust,
21 from any such corporation specified in clause (i) that
22 would but for the provisions of Section 1504(b)(3) of
23 the Internal Revenue Code be treated as a member of the
24 affiliated group which includes the dividend
25 recipient, exceed the amount of the modification
26 provided under subparagraph (G) of paragraph (2) of

1 this subsection (b) which is related to such
2 dividends. For taxable years ending on or after June
3 30, 2021, (i) for purposes of this subparagraph, the
4 term "dividend" does not include any amount treated as
5 a dividend under Section 1248 of the Internal Revenue
6 Code, and (ii) this subparagraph shall not apply to
7 dividends for which a deduction is allowed under
8 Section 245(a) of the Internal Revenue Code. This
9 subparagraph (O) is exempt from the provisions of
10 Section 250 of this Act;

11 (P) An amount equal to any contribution made to a
12 job training project established pursuant to the Tax
13 Increment Allocation Redevelopment Act;

14 (Q) An amount equal to the amount of the deduction
15 used to compute the federal income tax credit for
16 restoration of substantial amounts held under claim of
17 right for the taxable year pursuant to Section 1341 of
18 the Internal Revenue Code;

19 (R) On and after July 20, 1999, in the case of an
20 attorney-in-fact with respect to whom an interinsurer
21 or a reciprocal insurer has made the election under
22 Section 835 of the Internal Revenue Code, 26 U.S.C.
23 835, an amount equal to the excess, if any, of the
24 amounts paid or incurred by that interinsurer or
25 reciprocal insurer in the taxable year to the
26 attorney-in-fact over the deduction allowed to that

1 interinsurer or reciprocal insurer with respect to the
2 attorney-in-fact under Section 835(b) of the Internal
3 Revenue Code for the taxable year; the provisions of
4 this subparagraph are exempt from the provisions of
5 Section 250;

6 (S) For taxable years ending on or after December
7 31, 1997, in the case of a Subchapter S corporation, an
8 amount equal to all amounts of income allocable to a
9 shareholder subject to the Personal Property Tax
10 Replacement Income Tax imposed by subsections (c) and
11 (d) of Section 201 of this Act, including amounts
12 allocable to organizations exempt from federal income
13 tax by reason of Section 501(a) of the Internal
14 Revenue Code. This subparagraph (S) is exempt from the
15 provisions of Section 250;

16 (T) For taxable years 2001 and thereafter, for the
17 taxable year in which the bonus depreciation deduction
18 is taken on the taxpayer's federal income tax return
19 under subsection (k) of Section 168 of the Internal
20 Revenue Code and for each applicable taxable year
21 thereafter, an amount equal to "x", where:

22 (1) "y" equals the amount of the depreciation
23 deduction taken for the taxable year on the
24 taxpayer's federal income tax return on property
25 for which the bonus depreciation deduction was
26 taken in any year under subsection (k) of Section

1 168 of the Internal Revenue Code, but not
2 including the bonus depreciation deduction;

3 (2) for taxable years ending on or before
4 December 31, 2005, "x" equals "y" multiplied by 30
5 and then divided by 70 (or "y" multiplied by
6 0.429); and

7 (3) for taxable years ending after December
8 31, 2005:

9 (i) for property on which a bonus
10 depreciation deduction of 30% of the adjusted
11 basis was taken, "x" equals "y" multiplied by
12 30 and then divided by 70 (or "y" multiplied
13 by 0.429);

14 (ii) for property on which a bonus
15 depreciation deduction of 50% of the adjusted
16 basis was taken, "x" equals "y" multiplied by
17 1.0;

18 (iii) for property on which a bonus
19 depreciation deduction of 100% of the adjusted
20 basis was taken in a taxable year ending on or
21 after December 31, 2021, "x" equals the
22 depreciation deduction that would be allowed
23 on that property if the taxpayer had made the
24 election under Section 168(k)(7) of the
25 Internal Revenue Code to not claim bonus
26 depreciation on that property; and

(iv) for property on which a bonus depreciation deduction of a percentage other than 30%, 50% or 100% of the adjusted basis was taken in a taxable year ending on or after December 31, 2021, "x" equals "y" multiplied by 100 times the percentage bonus depreciation on the property (that is, $100(\text{bonus}\%)$) and then divided by 100 times 1 minus the percentage bonus depreciation on the property (that is, $100(1-\text{bonus}\%)$).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (T) is exempt from the provisions of Section 250;

(U) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which a subtraction is allowed with respect to that property

1 under subparagraph (T) and for which the taxpayer was
2 required in any taxable year to make an addition
3 modification under subparagraph (E-10), then an amount
4 equal to that addition modification.

5 The taxpayer is allowed to take the deduction
6 under this subparagraph only once with respect to any
7 one piece of property.

8 This subparagraph (U) is exempt from the
9 provisions of Section 250;

10 (V) The amount of: (i) any interest income (net of
11 the deductions allocable thereto) taken into account
12 for the taxable year with respect to a transaction
13 with a taxpayer that is required to make an addition
14 modification with respect to such transaction under
15 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
16 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
17 the amount of such addition modification, (ii) any
18 income from intangible property (net of the deductions
19 allocable thereto) taken into account for the taxable
20 year with respect to a transaction with a taxpayer
21 that is required to make an addition modification with
22 respect to such transaction under Section
23 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
24 203(d)(2)(D-8), but not to exceed the amount of such
25 addition modification, and (iii) any insurance premium
26 income (net of deductions allocable thereto) taken

1 into account for the taxable year with respect to a
2 transaction with a taxpayer that is required to make
3 an addition modification with respect to such
4 transaction under Section 203(a)(2)(D-19), Section
5 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
6 203(d)(2)(D-9), but not to exceed the amount of that
7 addition modification. This subparagraph (V) is exempt
8 from the provisions of Section 250;

9 (W) An amount equal to the interest income taken
10 into account for the taxable year (net of the
11 deductions allocable thereto) with respect to
12 transactions with (i) a foreign person who would be a
13 member of the taxpayer's unitary business group but
14 for the fact that the foreign person's business
15 activity outside the United States is 80% or more of
16 that person's total business activity and (ii) for
17 taxable years ending on or after December 31, 2008, to
18 a person who would be a member of the same unitary
19 business group but for the fact that the person is
20 prohibited under Section 1501(a)(27) from being
21 included in the unitary business group because he or
22 she is ordinarily required to apportion business
23 income under different subsections of Section 304, but
24 not to exceed the addition modification required to be
25 made for the same taxable year under Section
26 203(b)(2)(E-12) for interest paid, accrued, or

1 incurred, directly or indirectly, to the same person.
2 This subparagraph (W) is exempt from the provisions of
3 Section 250;

4 (X) An amount equal to the income from intangible
5 property taken into account for the taxable year (net
6 of the deductions allocable thereto) with respect to
7 transactions with (i) a foreign person who would be a
8 member of the taxpayer's unitary business group but
9 for the fact that the foreign person's business
10 activity outside the United States is 80% or more of
11 that person's total business activity and (ii) for
12 taxable years ending on or after December 31, 2008, to
13 a person who would be a member of the same unitary
14 business group but for the fact that the person is
15 prohibited under Section 1501(a)(27) from being
16 included in the unitary business group because he or
17 she is ordinarily required to apportion business
18 income under different subsections of Section 304, but
19 not to exceed the addition modification required to be
20 made for the same taxable year under Section
21 203(b)(2)(E-13) for intangible expenses and costs
22 paid, accrued, or incurred, directly or indirectly, to
23 the same foreign person. This subparagraph (X) is
24 exempt from the provisions of Section 250;

25 (Y) For taxable years ending on or after December
26 31, 2011, in the case of a taxpayer who was required to

1 add back any insurance premiums under Section
2 203(b)(2)(E-14), such taxpayer may elect to subtract
3 that part of a reimbursement received from the
4 insurance company equal to the amount of the expense
5 or loss (including expenses incurred by the insurance
6 company) that would have been taken into account as a
7 deduction for federal income tax purposes if the
8 expense or loss had been uninsured. If a taxpayer
9 makes the election provided for by this subparagraph
10 (Y), the insurer to which the premiums were paid must
11 add back to income the amount subtracted by the
12 taxpayer pursuant to this subparagraph (Y). This
13 subparagraph (Y) is exempt from the provisions of
14 Section 250;

15 (Z) The difference between the nondeductible
16 controlled foreign corporation dividends under Section
17 965(e)(3) of the Internal Revenue Code over the
18 taxable income of the taxpayer, computed without
19 regard to Section 965(e)(2)(A) of the Internal Revenue
20 Code, and without regard to any net operating loss
21 deduction. This subparagraph (Z) is exempt from the
22 provisions of Section 250; and

23 (AA) For taxable years beginning on or after
24 January 1, 2023, for any cannabis establishment
25 operating in this State and licensed under the
26 Cannabis Regulation and Tax Act or any cannabis

1 cultivation center or medical cannabis dispensing
2 organization operating in this State and licensed
3 under the Compassionate Use of Medical Cannabis
4 Program Act, an amount equal to the deductions that
5 were disallowed under Section 280E of the Internal
6 Revenue Code for the taxable year and that would not be
7 added back under this subsection. The provisions of
8 this subparagraph (AA) are exempt from the provisions
9 of Section 250.

10 (3) Special rule. For purposes of paragraph (2)(A),
11 "gross income" in the case of a life insurance company,
12 for tax years ending on and after December 31, 1994, and
13 prior to December 31, 2011, shall mean the gross
14 investment income for the taxable year and, for tax years
15 ending on or after December 31, 2011, shall mean all
16 amounts included in life insurance gross income under
17 Section 803(a)(3) of the Internal Revenue Code.

18 (c) Trusts and estates.

19 (1) In general. In the case of a trust or estate, base
20 income means an amount equal to the taxpayer's taxable
21 income for the taxable year as modified by paragraph (2).

22 (2) Modifications. Subject to the provisions of
23 paragraph (3), the taxable income referred to in paragraph
24 (1) shall be modified by adding thereto the sum of the
25 following amounts:

1 (A) An amount equal to all amounts paid or accrued
2 to the taxpayer as interest or dividends during the
3 taxable year to the extent excluded from gross income
4 in the computation of taxable income;

5 (B) In the case of (i) an estate, \$600; (ii) a
6 trust which, under its governing instrument, is
7 required to distribute all of its income currently,
8 \$300; and (iii) any other trust, \$100, but in each such
9 case, only to the extent such amount was deducted in
10 the computation of taxable income;

11 (C) An amount equal to the amount of tax imposed by
12 this Act to the extent deducted from gross income in
13 the computation of taxable income for the taxable
14 year;

15 (D) The amount of any net operating loss deduction
16 taken in arriving at taxable income, other than a net
17 operating loss carried forward from a taxable year
18 ending prior to December 31, 1986;

19 (E) For taxable years in which a net operating
20 loss carryback or carryforward from a taxable year
21 ending prior to December 31, 1986 is an element of
22 taxable income under paragraph (1) of subsection (e)
23 or subparagraph (E) of paragraph (2) of subsection
24 (e), the amount by which addition modifications other
25 than those provided by this subparagraph (E) exceeded
26 subtraction modifications in such taxable year, with

1 the following limitations applied in the order that
2 they are listed:

3 (i) the addition modification relating to the
4 net operating loss carried back or forward to the
5 taxable year from any taxable year ending prior to
6 December 31, 1986 shall be reduced by the amount
7 of addition modification under this subparagraph
8 (E) which related to that net operating loss and
9 which was taken into account in calculating the
10 base income of an earlier taxable year, and

11 (ii) the addition modification relating to the
12 net operating loss carried back or forward to the
13 taxable year from any taxable year ending prior to
14 December 31, 1986 shall not exceed the amount of
15 such carryback or carryforward;

16 For taxable years in which there is a net
17 operating loss carryback or carryforward from more
18 than one other taxable year ending prior to December
19 31, 1986, the addition modification provided in this
20 subparagraph (E) shall be the sum of the amounts
21 computed independently under the preceding provisions
22 of this subparagraph (E) for each such taxable year;

23 (F) For taxable years ending on or after January
24 1, 1989, an amount equal to the tax deducted pursuant
25 to Section 164 of the Internal Revenue Code if the
26 trust or estate is claiming the same tax for purposes

1 of the Illinois foreign tax credit under Section 601
2 of this Act;

3 (G) An amount equal to the amount of the capital
4 gain deduction allowable under the Internal Revenue
5 Code, to the extent deducted from gross income in the
6 computation of taxable income;

7 (G-5) For taxable years ending after December 31,
8 1997, an amount equal to any eligible remediation
9 costs that the trust or estate deducted in computing
10 adjusted gross income and for which the trust or
11 estate claims a credit under subsection (l) of Section
12 201;

13 (G-10) For taxable years 2001 and thereafter, an
14 amount equal to the bonus depreciation deduction taken
15 on the taxpayer's federal income tax return for the
16 taxable year under subsection (k) of Section 168 of
17 the Internal Revenue Code; and

18 (G-11) If the taxpayer sells, transfers, abandons,
19 or otherwise disposes of property for which the
20 taxpayer was required in any taxable year to make an
21 addition modification under subparagraph (G-10), then
22 an amount equal to the aggregate amount of the
23 deductions taken in all taxable years under
24 subparagraph (R) with respect to that property.

25 If the taxpayer continues to own property through
26 the last day of the last tax year for which a

1 subtraction is allowed with respect to that property
2 under subparagraph (R) and for which the taxpayer was
3 allowed in any taxable year to make a subtraction
4 modification under subparagraph (R), then an amount
5 equal to that subtraction modification.

6 The taxpayer is required to make the addition
7 modification under this subparagraph only once with
8 respect to any one piece of property;

9 (G-12) An amount equal to the amount otherwise
10 allowed as a deduction in computing base income for
11 interest paid, accrued, or incurred, directly or
12 indirectly, (i) for taxable years ending on or after
13 December 31, 2004, to a foreign person who would be a
14 member of the same unitary business group but for the
15 fact that the foreign person's business activity
16 outside the United States is 80% or more of the foreign
17 person's total business activity and (ii) for taxable
18 years ending on or after December 31, 2008, to a person
19 who would be a member of the same unitary business
20 group but for the fact that the person is prohibited
21 under Section 1501(a)(27) from being included in the
22 unitary business group because he or she is ordinarily
23 required to apportion business income under different
24 subsections of Section 304. The addition modification
25 required by this subparagraph shall be reduced to the
26 extent that dividends were included in base income of

1 the unitary group for the same taxable year and
2 received by the taxpayer or by a member of the
3 taxpayer's unitary business group (including amounts
4 included in gross income pursuant to Sections 951
5 through 964 of the Internal Revenue Code and amounts
6 included in gross income under Section 78 of the
7 Internal Revenue Code) with respect to the stock of
8 the same person to whom the interest was paid,
9 accrued, or incurred.

10 This paragraph shall not apply to the following:

11 (i) an item of interest paid, accrued, or
12 incurred, directly or indirectly, to a person who
13 is subject in a foreign country or state, other
14 than a state which requires mandatory unitary
15 reporting, to a tax on or measured by net income
16 with respect to such interest; or

17 (ii) an item of interest paid, accrued, or
18 incurred, directly or indirectly, to a person if
19 the taxpayer can establish, based on a
20 preponderance of the evidence, both of the
21 following:

22 (a) the person, during the same taxable
23 year, paid, accrued, or incurred, the interest
24 to a person that is not a related member, and

25 (b) the transaction giving rise to the
26 interest expense between the taxpayer and the

1 person did not have as a principal purpose the
2 avoidance of Illinois income tax, and is paid
3 pursuant to a contract or agreement that
4 reflects an arm's-length interest rate and
5 terms; or

6 (iii) the taxpayer can establish, based on
7 clear and convincing evidence, that the interest
8 paid, accrued, or incurred relates to a contract
9 or agreement entered into at arm's-length rates
10 and terms and the principal purpose for the
11 payment is not federal or Illinois tax avoidance;
12 or

13 (iv) an item of interest paid, accrued, or
14 incurred, directly or indirectly, to a person if
15 the taxpayer establishes by clear and convincing
16 evidence that the adjustments are unreasonable; or
17 if the taxpayer and the Director agree in writing
18 to the application or use of an alternative method
19 of apportionment under Section 304(f).

20 Nothing in this subsection shall preclude the
21 Director from making any other adjustment
22 otherwise allowed under Section 404 of this Act
23 for any tax year beginning after the effective
24 date of this amendment provided such adjustment is
25 made pursuant to regulation adopted by the
26 Department and such regulations provide methods

1 and standards by which the Department will utilize
2 its authority under Section 404 of this Act;

3 (G-13) An amount equal to the amount of intangible
4 expenses and costs otherwise allowed as a deduction in
5 computing base income, and that were paid, accrued, or
6 incurred, directly or indirectly, (i) for taxable
7 years ending on or after December 31, 2004, to a
8 foreign person who would be a member of the same
9 unitary business group but for the fact that the
10 foreign person's business activity outside the United
11 States is 80% or more of that person's total business
12 activity and (ii) for taxable years ending on or after
13 December 31, 2008, to a person who would be a member of
14 the same unitary business group but for the fact that
15 the person is prohibited under Section 1501(a)(27)
16 from being included in the unitary business group
17 because he or she is ordinarily required to apportion
18 business income under different subsections of Section
19 304. The addition modification required by this
20 subparagraph shall be reduced to the extent that
21 dividends were included in base income of the unitary
22 group for the same taxable year and received by the
23 taxpayer or by a member of the taxpayer's unitary
24 business group (including amounts included in gross
25 income pursuant to Sections 951 through 964 of the
26 Internal Revenue Code and amounts included in gross

1 income under Section 78 of the Internal Revenue Code)
2 with respect to the stock of the same person to whom
3 the intangible expenses and costs were directly or
4 indirectly paid, incurred, or accrued. The preceding
5 sentence shall not apply to the extent that the same
6 dividends caused a reduction to the addition
7 modification required under Section 203(c)(2)(G-12) of
8 this Act. As used in this subparagraph, the term
9 "intangible expenses and costs" includes: (1)
10 expenses, losses, and costs for or related to the
11 direct or indirect acquisition, use, maintenance or
12 management, ownership, sale, exchange, or any other
13 disposition of intangible property; (2) losses
14 incurred, directly or indirectly, from factoring
15 transactions or discounting transactions; (3) royalty,
16 patent, technical, and copyright fees; (4) licensing
17 fees; and (5) other similar expenses and costs. For
18 purposes of this subparagraph, "intangible property"
19 includes patents, patent applications, trade names,
20 trademarks, service marks, copyrights, mask works,
21 trade secrets, and similar types of intangible assets.

22 This paragraph shall not apply to the following:

23 (i) any item of intangible expenses or costs
24 paid, accrued, or incurred, directly or
25 indirectly, from a transaction with a person who
26 is subject in a foreign country or state, other

1 than a state which requires mandatory unitary
2 reporting, to a tax on or measured by net income
3 with respect to such item; or

4 (ii) any item of intangible expense or cost
5 paid, accrued, or incurred, directly or
6 indirectly, if the taxpayer can establish, based
7 on a preponderance of the evidence, both of the
8 following:

9 (a) the person during the same taxable
10 year paid, accrued, or incurred, the
11 intangible expense or cost to a person that is
12 not a related member, and

13 (b) the transaction giving rise to the
14 intangible expense or cost between the
15 taxpayer and the person did not have as a
16 principal purpose the avoidance of Illinois
17 income tax, and is paid pursuant to a contract
18 or agreement that reflects arm's-length terms;
19 or

20 (iii) any item of intangible expense or cost
21 paid, accrued, or incurred, directly or
22 indirectly, from a transaction with a person if
23 the taxpayer establishes by clear and convincing
24 evidence, that the adjustments are unreasonable;
25 or if the taxpayer and the Director agree in
26 writing to the application or use of an

1 alternative method of apportionment under Section
2 304(f);

3 Nothing in this subsection shall preclude the
4 Director from making any other adjustment
5 otherwise allowed under Section 404 of this Act
6 for any tax year beginning after the effective
7 date of this amendment provided such adjustment is
8 made pursuant to regulation adopted by the
9 Department and such regulations provide methods
10 and standards by which the Department will utilize
11 its authority under Section 404 of this Act;

12 (G-14) For taxable years ending on or after
13 December 31, 2008, an amount equal to the amount of
14 insurance premium expenses and costs otherwise allowed
15 as a deduction in computing base income, and that were
16 paid, accrued, or incurred, directly or indirectly, to
17 a person who would be a member of the same unitary
18 business group but for the fact that the person is
19 prohibited under Section 1501(a)(27) from being
20 included in the unitary business group because he or
21 she is ordinarily required to apportion business
22 income under different subsections of Section 304. The
23 addition modification required by this subparagraph
24 shall be reduced to the extent that dividends were
25 included in base income of the unitary group for the
26 same taxable year and received by the taxpayer or by a

1 member of the taxpayer's unitary business group
2 (including amounts included in gross income under
3 Sections 951 through 964 of the Internal Revenue Code
4 and amounts included in gross income under Section 78
5 of the Internal Revenue Code) with respect to the
6 stock of the same person to whom the premiums and costs
7 were directly or indirectly paid, incurred, or
8 accrued. The preceding sentence does not apply to the
9 extent that the same dividends caused a reduction to
10 the addition modification required under Section
11 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this
12 Act;

13 (G-15) An amount equal to the credit allowable to
14 the taxpayer under Section 218(a) of this Act,
15 determined without regard to Section 218(c) of this
16 Act;

17 (G-16) For taxable years ending on or after
18 December 31, 2017, an amount equal to the deduction
19 allowed under Section 199 of the Internal Revenue Code
20 for the taxable year;

21 (G-17) the amount that is claimed as a federal
22 deduction when computing the taxpayer's federal
23 taxable income for the taxable year and that is
24 attributable to an endowment gift for which the
25 taxpayer receives a credit under the Illinois Gives
26 Tax Credit Act;

1 and by deducting from the total so obtained the sum of the
2 following amounts:

3 (H) An amount equal to all amounts included in
4 such total pursuant to the provisions of Sections
5 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408
6 of the Internal Revenue Code or included in such total
7 as distributions under the provisions of any
8 retirement or disability plan for employees of any
9 governmental agency or unit, or retirement payments to
10 retired partners, which payments are excluded in
11 computing net earnings from self employment by Section
12 1402 of the Internal Revenue Code and regulations
13 adopted pursuant thereto;

14 (I) The valuation limitation amount;

15 (J) An amount equal to the amount of any tax
16 imposed by this Act which was refunded to the taxpayer
17 and included in such total for the taxable year;

18 (K) An amount equal to all amounts included in
19 taxable income as modified by subparagraphs (A), (B),
20 (C), (D), (E), (F) and (G) which are exempt from
21 taxation by this State either by reason of its
22 statutes or Constitution or by reason of the
23 Constitution, treaties or statutes of the United
24 States; provided that, in the case of any statute of
25 this State that exempts income derived from bonds or
26 other obligations from the tax imposed under this Act,

1 the amount exempted shall be the interest net of bond
2 premium amortization;

3 (L) With the exception of any amounts subtracted
4 under subparagraph (K), an amount equal to the sum of
5 all amounts disallowed as deductions by (i) Sections
6 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
7 and all amounts of expenses allocable to interest and
8 disallowed as deductions by Section 265(a)(1) of the
9 Internal Revenue Code; and (ii) for taxable years
10 ending on or after August 13, 1999, Sections
11 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
12 Internal Revenue Code, plus, (iii) for taxable years
13 ending on or after December 31, 2011, Section
14 45G(e)(3) of the Internal Revenue Code and, for
15 taxable years ending on or after December 31, 2008,
16 any amount included in gross income under Section 87
17 of the Internal Revenue Code; the provisions of this
18 subparagraph are exempt from the provisions of Section
19 250;

20 (M) An amount equal to those dividends included in
21 such total which were paid by a corporation which
22 conducts business operations in a River Edge
23 Redevelopment Zone or zones created under the River
24 Edge Redevelopment Zone Act and conducts substantially
25 all of its operations in a River Edge Redevelopment
26 Zone or zones. This subparagraph (M) is exempt from

1 the provisions of Section 250;

2 (N) An amount equal to any contribution made to a
3 job training project established pursuant to the Tax
4 Increment Allocation Redevelopment Act;

5 (O) An amount equal to those dividends included in
6 such total that were paid by a corporation that
7 conducts business operations in a federally designated
8 Foreign Trade Zone or Sub-Zone and that is designated
9 a High Impact Business located in Illinois; provided
10 that dividends eligible for the deduction provided in
11 subparagraph (M) of paragraph (2) of this subsection
12 shall not be eligible for the deduction provided under
13 this subparagraph (O);

14 (P) An amount equal to the amount of the deduction
15 used to compute the federal income tax credit for
16 restoration of substantial amounts held under claim of
17 right for the taxable year pursuant to Section 1341 of
18 the Internal Revenue Code;

19 (Q) For taxable year 1999 and thereafter, an
20 amount equal to the amount of any (i) distributions,
21 to the extent includible in gross income for federal
22 income tax purposes, made to the taxpayer because of
23 his or her status as a victim of persecution for racial
24 or religious reasons by Nazi Germany or any other Axis
25 regime or as an heir of the victim and (ii) items of
26 income, to the extent includible in gross income for

1 federal income tax purposes, attributable to, derived
2 from or in any way related to assets stolen from,
3 hidden from, or otherwise lost to a victim of
4 persecution for racial or religious reasons by Nazi
5 Germany or any other Axis regime immediately prior to,
6 during, and immediately after World War II, including,
7 but not limited to, interest on the proceeds
8 receivable as insurance under policies issued to a
9 victim of persecution for racial or religious reasons
10 by Nazi Germany or any other Axis regime by European
11 insurance companies immediately prior to and during
12 World War II; provided, however, this subtraction from
13 federal adjusted gross income does not apply to assets
14 acquired with such assets or with the proceeds from
15 the sale of such assets; provided, further, this
16 paragraph shall only apply to a taxpayer who was the
17 first recipient of such assets after their recovery
18 and who is a victim of persecution for racial or
19 religious reasons by Nazi Germany or any other Axis
20 regime or as an heir of the victim. The amount of and
21 the eligibility for any public assistance, benefit, or
22 similar entitlement is not affected by the inclusion
23 of items (i) and (ii) of this paragraph in gross income
24 for federal income tax purposes. This paragraph is
25 exempt from the provisions of Section 250;

26 (R) For taxable years 2001 and thereafter, for the

1 taxable year in which the bonus depreciation deduction
2 is taken on the taxpayer's federal income tax return
3 under subsection (k) of Section 168 of the Internal
4 Revenue Code and for each applicable taxable year
5 thereafter, an amount equal to "x", where:

6 (1) "y" equals the amount of the depreciation
7 deduction taken for the taxable year on the
8 taxpayer's federal income tax return on property
9 for which the bonus depreciation deduction was
10 taken in any year under subsection (k) of Section
11 168 of the Internal Revenue Code, but not
12 including the bonus depreciation deduction;

13 (2) for taxable years ending on or before
14 December 31, 2005, "x" equals "y" multiplied by 30
15 and then divided by 70 (or "y" multiplied by
16 0.429); and

17 (3) for taxable years ending after December
18 31, 2005:

19 (i) for property on which a bonus
20 depreciation deduction of 30% of the adjusted
21 basis was taken, "x" equals "y" multiplied by
22 30 and then divided by 70 (or "y" multiplied
23 by 0.429);

24 (ii) for property on which a bonus
25 depreciation deduction of 50% of the adjusted
26 basis was taken, "x" equals "y" multiplied by

1.0;

(iii) for property on which a bonus depreciation deduction of 100% of the adjusted basis was taken in a taxable year ending on or after December 31, 2021, "x" equals the depreciation deduction that would be allowed on that property if the taxpayer had made the election under Section 168(k)(7) of the Internal Revenue Code to not claim bonus depreciation on that property; and

(iv) for property on which a bonus depreciation deduction of a percentage other than 30%, 50% or 100% of the adjusted basis was taken in a taxable year ending on or after December 31, 2021, "x" equals "y" multiplied by 100 times the percentage bonus depreciation on the property (that is, $100(\text{bonus}\%)$) and then divided by 100 times 1 minus the percentage bonus depreciation on the property (that is, $100(1-\text{bonus}\%)$).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This

1 subparagraph (R) is exempt from the provisions of
2 Section 250;

3 (S) If the taxpayer sells, transfers, abandons, or
4 otherwise disposes of property for which the taxpayer
5 was required in any taxable year to make an addition
6 modification under subparagraph (G-10), then an amount
7 equal to that addition modification.

8 If the taxpayer continues to own property through
9 the last day of the last tax year for which a
10 subtraction is allowed with respect to that property
11 under subparagraph (R) and for which the taxpayer was
12 required in any taxable year to make an addition
13 modification under subparagraph (G-10), then an amount
14 equal to that addition modification.

15 The taxpayer is allowed to take the deduction
16 under this subparagraph only once with respect to any
17 one piece of property.

18 This subparagraph (S) is exempt from the
19 provisions of Section 250;

20 (T) The amount of (i) any interest income (net of
21 the deductions allocable thereto) taken into account
22 for the taxable year with respect to a transaction
23 with a taxpayer that is required to make an addition
24 modification with respect to such transaction under
25 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
26 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed

1 the amount of such addition modification and (ii) any
2 income from intangible property (net of the deductions
3 allocable thereto) taken into account for the taxable
4 year with respect to a transaction with a taxpayer
5 that is required to make an addition modification with
6 respect to such transaction under Section
7 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
8 203(d)(2)(D-8), but not to exceed the amount of such
9 addition modification. This subparagraph (T) is exempt
10 from the provisions of Section 250;

11 (U) An amount equal to the interest income taken
12 into account for the taxable year (net of the
13 deductions allocable thereto) with respect to
14 transactions with (i) a foreign person who would be a
15 member of the taxpayer's unitary business group but
16 for the fact the foreign person's business activity
17 outside the United States is 80% or more of that
18 person's total business activity and (ii) for taxable
19 years ending on or after December 31, 2008, to a person
20 who would be a member of the same unitary business
21 group but for the fact that the person is prohibited
22 under Section 1501(a)(27) from being included in the
23 unitary business group because he or she is ordinarily
24 required to apportion business income under different
25 subsections of Section 304, but not to exceed the
26 addition modification required to be made for the same

1 taxable year under Section 203(c)(2)(G-12) for
2 interest paid, accrued, or incurred, directly or
3 indirectly, to the same person. This subparagraph (U)
4 is exempt from the provisions of Section 250;

5 (V) An amount equal to the income from intangible
6 property taken into account for the taxable year (net
7 of the deductions allocable thereto) with respect to
8 transactions with (i) a foreign person who would be a
9 member of the taxpayer's unitary business group but
10 for the fact that the foreign person's business
11 activity outside the United States is 80% or more of
12 that person's total business activity and (ii) for
13 taxable years ending on or after December 31, 2008, to
14 a person who would be a member of the same unitary
15 business group but for the fact that the person is
16 prohibited under Section 1501(a)(27) from being
17 included in the unitary business group because he or
18 she is ordinarily required to apportion business
19 income under different subsections of Section 304, but
20 not to exceed the addition modification required to be
21 made for the same taxable year under Section
22 203(c)(2)(G-13) for intangible expenses and costs
23 paid, accrued, or incurred, directly or indirectly, to
24 the same foreign person. This subparagraph (V) is
25 exempt from the provisions of Section 250;

26 (W) in the case of an estate, an amount equal to

1 all amounts included in such total pursuant to the
2 provisions of Section 111 of the Internal Revenue Code
3 as a recovery of items previously deducted by the
4 decedent from adjusted gross income in the computation
5 of taxable income. This subparagraph (W) is exempt
6 from Section 250;

7 (X) an amount equal to the refund included in such
8 total of any tax deducted for federal income tax
9 purposes, to the extent that deduction was added back
10 under subparagraph (F). This subparagraph (X) is
11 exempt from the provisions of Section 250;

12 (Y) For taxable years ending on or after December
13 31, 2011, in the case of a taxpayer who was required to
14 add back any insurance premiums under Section
15 203(c)(2)(G-14), such taxpayer may elect to subtract
16 that part of a reimbursement received from the
17 insurance company equal to the amount of the expense
18 or loss (including expenses incurred by the insurance
19 company) that would have been taken into account as a
20 deduction for federal income tax purposes if the
21 expense or loss had been uninsured. If a taxpayer
22 makes the election provided for by this subparagraph
23 (Y), the insurer to which the premiums were paid must
24 add back to income the amount subtracted by the
25 taxpayer pursuant to this subparagraph (Y). This
26 subparagraph (Y) is exempt from the provisions of

1 Section 250;

2 (Z) For taxable years beginning after December 31,
3 2018 and before January 1, 2026, the amount of excess
4 business loss of the taxpayer disallowed as a
5 deduction by Section 461(l)(1)(B) of the Internal
6 Revenue Code; and

7 (AA) For taxable years beginning on or after
8 January 1, 2023, for any cannabis establishment
9 operating in this State and licensed under the
10 Cannabis Regulation and Tax Act or any cannabis
11 cultivation center or medical cannabis dispensing
12 organization operating in this State and licensed
13 under the Compassionate Use of Medical Cannabis
14 Program Act, an amount equal to the deductions that
15 were disallowed under Section 280E of the Internal
16 Revenue Code for the taxable year and that would not be
17 added back under this subsection. The provisions of
18 this subparagraph (AA) are exempt from the provisions
19 of Section 250.

20 (3) Limitation. The amount of any modification
21 otherwise required under this subsection shall, under
22 regulations prescribed by the Department, be adjusted by
23 any amounts included therein which were properly paid,
24 credited, or required to be distributed, or permanently
25 set aside for charitable purposes pursuant to Internal
26 Revenue Code Section 642(c) during the taxable year.

1 (d) Partnerships.

2 (1) In general. In the case of a partnership, base
3 income means an amount equal to the taxpayer's taxable
4 income for the taxable year as modified by paragraph (2).

5 (2) Modifications. The taxable income referred to in
6 paragraph (1) shall be modified by adding thereto the sum
7 of the following amounts:

8 (A) An amount equal to all amounts paid or accrued
9 to the taxpayer as interest or dividends during the
10 taxable year to the extent excluded from gross income
11 in the computation of taxable income;

12 (B) An amount equal to the amount of tax imposed by
13 this Act to the extent deducted from gross income for
14 the taxable year;

15 (C) The amount of deductions allowed to the
16 partnership pursuant to Section 707 (c) of the
17 Internal Revenue Code in calculating its taxable
18 income;

19 (D) An amount equal to the amount of the capital
20 gain deduction allowable under the Internal Revenue
21 Code, to the extent deducted from gross income in the
22 computation of taxable income;

23 (D-5) For taxable years 2001 and thereafter, an
24 amount equal to the bonus depreciation deduction taken
25 on the taxpayer's federal income tax return for the

1 taxable year under subsection (k) of Section 168 of
2 the Internal Revenue Code;

3 (D-6) If the taxpayer sells, transfers, abandons,
4 or otherwise disposes of property for which the
5 taxpayer was required in any taxable year to make an
6 addition modification under subparagraph (D-5), then
7 an amount equal to the aggregate amount of the
8 deductions taken in all taxable years under
9 subparagraph (O) with respect to that property.

10 If the taxpayer continues to own property through
11 the last day of the last tax year for which a
12 subtraction is allowed with respect to that property
13 under subparagraph (O) and for which the taxpayer was
14 allowed in any taxable year to make a subtraction
15 modification under subparagraph (O), then an amount
16 equal to that subtraction modification.

17 The taxpayer is required to make the addition
18 modification under this subparagraph only once with
19 respect to any one piece of property;

20 (D-7) An amount equal to the amount otherwise
21 allowed as a deduction in computing base income for
22 interest paid, accrued, or incurred, directly or
23 indirectly, (i) for taxable years ending on or after
24 December 31, 2004, to a foreign person who would be a
25 member of the same unitary business group but for the
26 fact the foreign person's business activity outside

1 the United States is 80% or more of the foreign
2 person's total business activity and (ii) for taxable
3 years ending on or after December 31, 2008, to a person
4 who would be a member of the same unitary business
5 group but for the fact that the person is prohibited
6 under Section 1501(a)(27) from being included in the
7 unitary business group because he or she is ordinarily
8 required to apportion business income under different
9 subsections of Section 304. The addition modification
10 required by this subparagraph shall be reduced to the
11 extent that dividends were included in base income of
12 the unitary group for the same taxable year and
13 received by the taxpayer or by a member of the
14 taxpayer's unitary business group (including amounts
15 included in gross income pursuant to Sections 951
16 through 964 of the Internal Revenue Code and amounts
17 included in gross income under Section 78 of the
18 Internal Revenue Code) with respect to the stock of
19 the same person to whom the interest was paid,
20 accrued, or incurred.

21 This paragraph shall not apply to the following:

22 (i) an item of interest paid, accrued, or
23 incurred, directly or indirectly, to a person who
24 is subject in a foreign country or state, other
25 than a state which requires mandatory unitary
26 reporting, to a tax on or measured by net income

1 with respect to such interest; or

2 (ii) an item of interest paid, accrued, or
3 incurred, directly or indirectly, to a person if
4 the taxpayer can establish, based on a
5 preponderance of the evidence, both of the
6 following:

7 (a) the person, during the same taxable
8 year, paid, accrued, or incurred, the interest
9 to a person that is not a related member, and

10 (b) the transaction giving rise to the
11 interest expense between the taxpayer and the
12 person did not have as a principal purpose the
13 avoidance of Illinois income tax, and is paid
14 pursuant to a contract or agreement that
15 reflects an arm's-length interest rate and
16 terms; or

17 (iii) the taxpayer can establish, based on
18 clear and convincing evidence, that the interest
19 paid, accrued, or incurred relates to a contract
20 or agreement entered into at arm's-length rates
21 and terms and the principal purpose for the
22 payment is not federal or Illinois tax avoidance;
23 or

24 (iv) an item of interest paid, accrued, or
25 incurred, directly or indirectly, to a person if
26 the taxpayer establishes by clear and convincing

1 evidence that the adjustments are unreasonable; or
2 if the taxpayer and the Director agree in writing
3 to the application or use of an alternative method
4 of apportionment under Section 304(f).

5 Nothing in this subsection shall preclude the
6 Director from making any other adjustment
7 otherwise allowed under Section 404 of this Act
8 for any tax year beginning after the effective
9 date of this amendment provided such adjustment is
10 made pursuant to regulation adopted by the
11 Department and such regulations provide methods
12 and standards by which the Department will utilize
13 its authority under Section 404 of this Act; and

14 (D-8) An amount equal to the amount of intangible
15 expenses and costs otherwise allowed as a deduction in
16 computing base income, and that were paid, accrued, or
17 incurred, directly or indirectly, (i) for taxable
18 years ending on or after December 31, 2004, to a
19 foreign person who would be a member of the same
20 unitary business group but for the fact that the
21 foreign person's business activity outside the United
22 States is 80% or more of that person's total business
23 activity and (ii) for taxable years ending on or after
24 December 31, 2008, to a person who would be a member of
25 the same unitary business group but for the fact that
26 the person is prohibited under Section 1501(a) (27)

1 from being included in the unitary business group
2 because he or she is ordinarily required to apportion
3 business income under different subsections of Section
4 304. The addition modification required by this
5 subparagraph shall be reduced to the extent that
6 dividends were included in base income of the unitary
7 group for the same taxable year and received by the
8 taxpayer or by a member of the taxpayer's unitary
9 business group (including amounts included in gross
10 income pursuant to Sections 951 through 964 of the
11 Internal Revenue Code and amounts included in gross
12 income under Section 78 of the Internal Revenue Code)
13 with respect to the stock of the same person to whom
14 the intangible expenses and costs were directly or
15 indirectly paid, incurred or accrued. The preceding
16 sentence shall not apply to the extent that the same
17 dividends caused a reduction to the addition
18 modification required under Section 203(d)(2)(D-7) of
19 this Act. As used in this subparagraph, the term
20 "intangible expenses and costs" includes (1) expenses,
21 losses, and costs for, or related to, the direct or
22 indirect acquisition, use, maintenance or management,
23 ownership, sale, exchange, or any other disposition of
24 intangible property; (2) losses incurred, directly or
25 indirectly, from factoring transactions or discounting
26 transactions; (3) royalty, patent, technical, and

1 copyright fees; (4) licensing fees; and (5) other
2 similar expenses and costs. For purposes of this
3 subparagraph, "intangible property" includes patents,
4 patent applications, trade names, trademarks, service
5 marks, copyrights, mask works, trade secrets, and
6 similar types of intangible assets;

7 This paragraph shall not apply to the following:

8 (i) any item of intangible expenses or costs
9 paid, accrued, or incurred, directly or
10 indirectly, from a transaction with a person who
11 is subject in a foreign country or state, other
12 than a state which requires mandatory unitary
13 reporting, to a tax on or measured by net income
14 with respect to such item; or

15 (ii) any item of intangible expense or cost
16 paid, accrued, or incurred, directly or
17 indirectly, if the taxpayer can establish, based
18 on a preponderance of the evidence, both of the
19 following:

20 (a) the person during the same taxable
21 year paid, accrued, or incurred, the
22 intangible expense or cost to a person that is
23 not a related member, and

24 (b) the transaction giving rise to the
25 intangible expense or cost between the
26 taxpayer and the person did not have as a

1 principal purpose the avoidance of Illinois
2 income tax, and is paid pursuant to a contract
3 or agreement that reflects arm's-length terms;
4 or

5 (iii) any item of intangible expense or cost
6 paid, accrued, or incurred, directly or
7 indirectly, from a transaction with a person if
8 the taxpayer establishes by clear and convincing
9 evidence, that the adjustments are unreasonable;
10 or if the taxpayer and the Director agree in
11 writing to the application or use of an
12 alternative method of apportionment under Section
13 304(f);

14 Nothing in this subsection shall preclude the
15 Director from making any other adjustment
16 otherwise allowed under Section 404 of this Act
17 for any tax year beginning after the effective
18 date of this amendment provided such adjustment is
19 made pursuant to regulation adopted by the
20 Department and such regulations provide methods
21 and standards by which the Department will utilize
22 its authority under Section 404 of this Act;

23 (D-9) For taxable years ending on or after
24 December 31, 2008, an amount equal to the amount of
25 insurance premium expenses and costs otherwise allowed
26 as a deduction in computing base income, and that were

1 paid, accrued, or incurred, directly or indirectly, to
2 a person who would be a member of the same unitary
3 business group but for the fact that the person is
4 prohibited under Section 1501(a)(27) from being
5 included in the unitary business group because he or
6 she is ordinarily required to apportion business
7 income under different subsections of Section 304. The
8 addition modification required by this subparagraph
9 shall be reduced to the extent that dividends were
10 included in base income of the unitary group for the
11 same taxable year and received by the taxpayer or by a
12 member of the taxpayer's unitary business group
13 (including amounts included in gross income under
14 Sections 951 through 964 of the Internal Revenue Code
15 and amounts included in gross income under Section 78
16 of the Internal Revenue Code) with respect to the
17 stock of the same person to whom the premiums and costs
18 were directly or indirectly paid, incurred, or
19 accrued. The preceding sentence does not apply to the
20 extent that the same dividends caused a reduction to
21 the addition modification required under Section
22 203(d)(2)(D-7) or Section 203(d)(2)(D-8) of this Act;

23 (D-10) An amount equal to the credit allowable to
24 the taxpayer under Section 218(a) of this Act,
25 determined without regard to Section 218(c) of this
26 Act;

1 (D-11) For taxable years ending on or after
2 December 31, 2017, an amount equal to the deduction
3 allowed under Section 199 of the Internal Revenue Code
4 for the taxable year;

5 (D-12) the amount that is claimed as a federal
6 deduction when computing the taxpayer's federal
7 taxable income for the taxable year and that is
8 attributable to an endowment gift for which the
9 taxpayer receives a credit under the Illinois Gives
10 Tax Credit Act;

11 and by deducting from the total so obtained the following
12 amounts:

13 (E) The valuation limitation amount;

14 (F) An amount equal to the amount of any tax
15 imposed by this Act which was refunded to the taxpayer
16 and included in such total for the taxable year;

17 (G) An amount equal to all amounts included in
18 taxable income as modified by subparagraphs (A), (B),
19 (C) and (D) which are exempt from taxation by this
20 State either by reason of its statutes or Constitution
21 or by reason of the Constitution, treaties or statutes
22 of the United States; provided that, in the case of any
23 statute of this State that exempts income derived from
24 bonds or other obligations from the tax imposed under
25 this Act, the amount exempted shall be the interest
26 net of bond premium amortization;

1 (H) Any income of the partnership which
2 constitutes personal service income as defined in
3 Section 1348(b)(1) of the Internal Revenue Code (as in
4 effect December 31, 1981) or a reasonable allowance
5 for compensation paid or accrued for services rendered
6 by partners to the partnership, whichever is greater;
7 this subparagraph (H) is exempt from the provisions of
8 Section 250;

9 (I) An amount equal to all amounts of income
10 distributable to an entity subject to the Personal
11 Property Tax Replacement Income Tax imposed by
12 subsections (c) and (d) of Section 201 of this Act
13 including amounts distributable to organizations
14 exempt from federal income tax by reason of Section
15 501(a) of the Internal Revenue Code; this subparagraph
16 (I) is exempt from the provisions of Section 250;

17 (J) With the exception of any amounts subtracted
18 under subparagraph (G), an amount equal to the sum of
19 all amounts disallowed as deductions by (i) Sections
20 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
21 and all amounts of expenses allocable to interest and
22 disallowed as deductions by Section 265(a)(1) of the
23 Internal Revenue Code; and (ii) for taxable years
24 ending on or after August 13, 1999, Sections
25 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
26 Internal Revenue Code, plus, (iii) for taxable years

1 ending on or after December 31, 2011, Section
2 45G(e)(3) of the Internal Revenue Code and, for
3 taxable years ending on or after December 31, 2008,
4 any amount included in gross income under Section 87
5 of the Internal Revenue Code; the provisions of this
6 subparagraph are exempt from the provisions of Section
7 250;

8 (K) An amount equal to those dividends included in
9 such total which were paid by a corporation which
10 conducts business operations in a River Edge
11 Redevelopment Zone or zones created under the River
12 Edge Redevelopment Zone Act and conducts substantially
13 all of its operations from a River Edge Redevelopment
14 Zone or zones. This subparagraph (K) is exempt from
15 the provisions of Section 250;

16 (L) An amount equal to any contribution made to a
17 job training project established pursuant to the Real
18 Property Tax Increment Allocation Redevelopment Act;

19 (M) An amount equal to those dividends included in
20 such total that were paid by a corporation that
21 conducts business operations in a federally designated
22 Foreign Trade Zone or Sub-Zone and that is designated
23 a High Impact Business located in Illinois; provided
24 that dividends eligible for the deduction provided in
25 subparagraph (K) of paragraph (2) of this subsection
26 shall not be eligible for the deduction provided under

1 this subparagraph (M);

2 (N) An amount equal to the amount of the deduction
3 used to compute the federal income tax credit for
4 restoration of substantial amounts held under claim of
5 right for the taxable year pursuant to Section 1341 of
6 the Internal Revenue Code;

7 (O) For taxable years 2001 and thereafter, for the
8 taxable year in which the bonus depreciation deduction
9 is taken on the taxpayer's federal income tax return
10 under subsection (k) of Section 168 of the Internal
11 Revenue Code and for each applicable taxable year
12 thereafter, an amount equal to "x", where:

13 (1) "y" equals the amount of the depreciation
14 deduction taken for the taxable year on the
15 taxpayer's federal income tax return on property
16 for which the bonus depreciation deduction was
17 taken in any year under subsection (k) of Section
18 168 of the Internal Revenue Code, but not
19 including the bonus depreciation deduction;

20 (2) for taxable years ending on or before
21 December 31, 2005, "x" equals "y" multiplied by 30
22 and then divided by 70 (or "y" multiplied by
23 0.429); and

24 (3) for taxable years ending after December
25 31, 2005:

26 (i) for property on which a bonus

1 depreciation deduction of 30% of the adjusted
2 basis was taken, "x" equals "y" multiplied by
3 30 and then divided by 70 (or "y" multiplied
4 by 0.429);

5 (ii) for property on which a bonus
6 depreciation deduction of 50% of the adjusted
7 basis was taken, "x" equals "y" multiplied by
8 1.0;

9 (iii) for property on which a bonus
10 depreciation deduction of 100% of the adjusted
11 basis was taken in a taxable year ending on or
12 after December 31, 2021, "x" equals the
13 depreciation deduction that would be allowed
14 on that property if the taxpayer had made the
15 election under Section 168(k)(7) of the
16 Internal Revenue Code to not claim bonus
17 depreciation on that property; and

18 (iv) for property on which a bonus
19 depreciation deduction of a percentage other
20 than 30%, 50% or 100% of the adjusted basis
21 was taken in a taxable year ending on or after
22 December 31, 2021, "x" equals "y" multiplied
23 by 100 times the percentage bonus depreciation
24 on the property (that is, $100(\text{bonus}\%)$) and
25 then divided by 100 times 1 minus the
26 percentage bonus depreciation on the property

1 (that is, $100(1-\text{bonus}\%)$).

2 The aggregate amount deducted under this
3 subparagraph in all taxable years for any one piece of
4 property may not exceed the amount of the bonus
5 depreciation deduction taken on that property on the
6 taxpayer's federal income tax return under subsection
7 (k) of Section 168 of the Internal Revenue Code. This
8 subparagraph (O) is exempt from the provisions of
9 Section 250;

10 (P) If the taxpayer sells, transfers, abandons, or
11 otherwise disposes of property for which the taxpayer
12 was required in any taxable year to make an addition
13 modification under subparagraph (D-5), then an amount
14 equal to that addition modification.

15 If the taxpayer continues to own property through
16 the last day of the last tax year for which a
17 subtraction is allowed with respect to that property
18 under subparagraph (O) and for which the taxpayer was
19 required in any taxable year to make an addition
20 modification under subparagraph (D-5), then an amount
21 equal to that addition modification.

22 The taxpayer is allowed to take the deduction
23 under this subparagraph only once with respect to any
24 one piece of property.

25 This subparagraph (P) is exempt from the
26 provisions of Section 250;

1 (Q) The amount of (i) any interest income (net of
2 the deductions allocable thereto) taken into account
3 for the taxable year with respect to a transaction
4 with a taxpayer that is required to make an addition
5 modification with respect to such transaction under
6 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
7 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
8 the amount of such addition modification and (ii) any
9 income from intangible property (net of the deductions
10 allocable thereto) taken into account for the taxable
11 year with respect to a transaction with a taxpayer
12 that is required to make an addition modification with
13 respect to such transaction under Section
14 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
15 203(d)(2)(D-8), but not to exceed the amount of such
16 addition modification. This subparagraph (Q) is exempt
17 from Section 250;

18 (R) An amount equal to the interest income taken
19 into account for the taxable year (net of the
20 deductions allocable thereto) with respect to
21 transactions with (i) a foreign person who would be a
22 member of the taxpayer's unitary business group but
23 for the fact that the foreign person's business
24 activity outside the United States is 80% or more of
25 that person's total business activity and (ii) for
26 taxable years ending on or after December 31, 2008, to

1 a person who would be a member of the same unitary
2 business group but for the fact that the person is
3 prohibited under Section 1501(a)(27) from being
4 included in the unitary business group because he or
5 she is ordinarily required to apportion business
6 income under different subsections of Section 304, but
7 not to exceed the addition modification required to be
8 made for the same taxable year under Section
9 203(d)(2)(D-7) for interest paid, accrued, or
10 incurred, directly or indirectly, to the same person.
11 This subparagraph (R) is exempt from Section 250;

12 (S) An amount equal to the income from intangible
13 property taken into account for the taxable year (net
14 of the deductions allocable thereto) with respect to
15 transactions with (i) a foreign person who would be a
16 member of the taxpayer's unitary business group but
17 for the fact that the foreign person's business
18 activity outside the United States is 80% or more of
19 that person's total business activity and (ii) for
20 taxable years ending on or after December 31, 2008, to
21 a person who would be a member of the same unitary
22 business group but for the fact that the person is
23 prohibited under Section 1501(a)(27) from being
24 included in the unitary business group because he or
25 she is ordinarily required to apportion business
26 income under different subsections of Section 304, but

1 not to exceed the addition modification required to be
2 made for the same taxable year under Section
3 203(d)(2)(D-8) for intangible expenses and costs paid,
4 accrued, or incurred, directly or indirectly, to the
5 same person. This subparagraph (S) is exempt from
6 Section 250;

7 (T) For taxable years ending on or after December
8 31, 2011, in the case of a taxpayer who was required to
9 add back any insurance premiums under Section
10 203(d)(2)(D-9), such taxpayer may elect to subtract
11 that part of a reimbursement received from the
12 insurance company equal to the amount of the expense
13 or loss (including expenses incurred by the insurance
14 company) that would have been taken into account as a
15 deduction for federal income tax purposes if the
16 expense or loss had been uninsured. If a taxpayer
17 makes the election provided for by this subparagraph
18 (T), the insurer to which the premiums were paid must
19 add back to income the amount subtracted by the
20 taxpayer pursuant to this subparagraph (T). This
21 subparagraph (T) is exempt from the provisions of
22 Section 250; and

23 (U) For taxable years beginning on or after
24 January 1, 2023, for any cannabis establishment
25 operating in this State and licensed under the
26 Cannabis Regulation and Tax Act or any cannabis

1 cultivation center or medical cannabis dispensing
2 organization operating in this State and licensed
3 under the Compassionate Use of Medical Cannabis
4 Program Act, an amount equal to the deductions that
5 were disallowed under Section 280E of the Internal
6 Revenue Code for the taxable year and that would not be
7 added back under this subsection. The provisions of
8 this subparagraph (U) are exempt from the provisions
9 of Section 250.

10 (e) Gross income; adjusted gross income; taxable income.

11 (1) In general. Subject to the provisions of paragraph
12 (2) and subsection (b) (3), for purposes of this Section
13 and Section 803(e), a taxpayer's gross income, adjusted
14 gross income, or taxable income for the taxable year shall
15 mean the amount of gross income, adjusted gross income or
16 taxable income properly reportable for federal income tax
17 purposes for the taxable year under the provisions of the
18 Internal Revenue Code. Taxable income may be less than
19 zero. However, for taxable years ending on or after
20 December 31, 1986, net operating loss carryforwards from
21 taxable years ending prior to December 31, 1986, may not
22 exceed the sum of federal taxable income for the taxable
23 year before net operating loss deduction, plus the excess
24 of addition modifications over subtraction modifications
25 for the taxable year. For taxable years ending prior to

1 December 31, 1986, taxable income may never be an amount
2 in excess of the net operating loss for the taxable year as
3 defined in subsections (c) and (d) of Section 172 of the
4 Internal Revenue Code, provided that when taxable income
5 of a corporation (other than a Subchapter S corporation),
6 trust, or estate is less than zero and addition
7 modifications, other than those provided by subparagraph
8 (E) of paragraph (2) of subsection (b) for corporations or
9 subparagraph (E) of paragraph (2) of subsection (c) for
10 trusts and estates, exceed subtraction modifications, an
11 addition modification must be made under those
12 subparagraphs for any other taxable year to which the
13 taxable income less than zero (net operating loss) is
14 applied under Section 172 of the Internal Revenue Code or
15 under subparagraph (E) of paragraph (2) of this subsection
16 (e) applied in conjunction with Section 172 of the
17 Internal Revenue Code.

18 (2) Special rule. For purposes of paragraph (1) of
19 this subsection, the taxable income properly reportable
20 for federal income tax purposes shall mean:

21 (A) Certain life insurance companies. In the case
22 of a life insurance company subject to the tax imposed
23 by Section 801 of the Internal Revenue Code, life
24 insurance company taxable income, plus the amount of
25 distribution from pre-1984 policyholder surplus
26 accounts as calculated under Section 815a of the

1 Internal Revenue Code;

2 (B) Certain other insurance companies. In the case
3 of mutual insurance companies subject to the tax
4 imposed by Section 831 of the Internal Revenue Code,
5 insurance company taxable income;

6 (C) Regulated investment companies. In the case of
7 a regulated investment company subject to the tax
8 imposed by Section 852 of the Internal Revenue Code,
9 investment company taxable income;

10 (D) Real estate investment trusts. In the case of
11 a real estate investment trust subject to the tax
12 imposed by Section 857 of the Internal Revenue Code,
13 real estate investment trust taxable income;

14 (E) Consolidated corporations. In the case of a
15 corporation which is a member of an affiliated group
16 of corporations filing a consolidated income tax
17 return for the taxable year for federal income tax
18 purposes, taxable income determined as if such
19 corporation had filed a separate return for federal
20 income tax purposes for the taxable year and each
21 preceding taxable year for which it was a member of an
22 affiliated group. For purposes of this subparagraph,
23 the taxpayer's separate taxable income shall be
24 determined as if the election provided by Section
25 243(b)(2) of the Internal Revenue Code had been in
26 effect for all such years;

1 (F) Cooperatives. In the case of a cooperative
2 corporation or association, the taxable income of such
3 organization determined in accordance with the
4 provisions of Section 1381 through 1388 of the
5 Internal Revenue Code, but without regard to the
6 prohibition against offsetting losses from patronage
7 activities against income from nonpatronage
8 activities; except that a cooperative corporation or
9 association may make an election to follow its federal
10 income tax treatment of patronage losses and
11 nonpatronage losses. In the event such election is
12 made, such losses shall be computed and carried over
13 in a manner consistent with subsection (a) of Section
14 207 of this Act and apportioned by the apportionment
15 factor reported by the cooperative on its Illinois
16 income tax return filed for the taxable year in which
17 the losses are incurred. The election shall be
18 effective for all taxable years with original returns
19 due on or after the date of the election. In addition,
20 the cooperative may file an amended return or returns,
21 as allowed under this Act, to provide that the
22 election shall be effective for losses incurred or
23 carried forward for taxable years occurring prior to
24 the date of the election. Once made, the election may
25 only be revoked upon approval of the Director. The
26 Department shall adopt rules setting forth

1 requirements for documenting the elections and any
2 resulting Illinois net loss and the standards to be
3 used by the Director in evaluating requests to revoke
4 elections. Public Act 96-932 is declaratory of
5 existing law;

6 (G) Subchapter S corporations. In the case of: (i)
7 a Subchapter S corporation for which there is in
8 effect an election for the taxable year under Section
9 1362 of the Internal Revenue Code, the taxable income
10 of such corporation determined in accordance with
11 Section 1363(b) of the Internal Revenue Code, except
12 that taxable income shall take into account those
13 items which are required by Section 1363(b)(1) of the
14 Internal Revenue Code to be separately stated; and
15 (ii) a Subchapter S corporation for which there is in
16 effect a federal election to opt out of the provisions
17 of the Subchapter S Revision Act of 1982 and have
18 applied instead the prior federal Subchapter S rules
19 as in effect on July 1, 1982, the taxable income of
20 such corporation determined in accordance with the
21 federal Subchapter S rules as in effect on July 1,
22 1982; and

23 (H) Partnerships. In the case of a partnership,
24 taxable income determined in accordance with Section
25 703 of the Internal Revenue Code, except that taxable
26 income shall take into account those items which are

1 required by Section 703(a)(1) to be separately stated
2 but which would be taken into account by an individual
3 in calculating his taxable income.

4 (3) Recapture of business expenses on disposition of
5 asset or business. Notwithstanding any other law to the
6 contrary, if in prior years income from an asset or
7 business has been classified as business income and in a
8 later year is demonstrated to be non-business income, then
9 all expenses, without limitation, deducted in such later
10 year and in the 2 immediately preceding taxable years
11 related to that asset or business that generated the
12 non-business income shall be added back and recaptured as
13 business income in the year of the disposition of the
14 asset or business. Such amount shall be apportioned to
15 Illinois using the greater of the apportionment fraction
16 computed for the business under Section 304 of this Act
17 for the taxable year or the average of the apportionment
18 fractions computed for the business under Section 304 of
19 this Act for the taxable year and for the 2 immediately
20 preceding taxable years.

21 (f) Valuation limitation amount.

22 (1) In general. The valuation limitation amount
23 referred to in subsections (a)(2)(G), (c)(2)(I) and
24 (d)(2)(E) is an amount equal to:

25 (A) The sum of the pre-August 1, 1969 appreciation

1 amounts (to the extent consisting of gain reportable
2 under the provisions of Section 1245 or 1250 of the
3 Internal Revenue Code) for all property in respect of
4 which such gain was reported for the taxable year;
5 plus

6 (B) The lesser of (i) the sum of the pre-August 1,
7 1969 appreciation amounts (to the extent consisting of
8 capital gain) for all property in respect of which
9 such gain was reported for federal income tax purposes
10 for the taxable year, or (ii) the net capital gain for
11 the taxable year, reduced in either case by any amount
12 of such gain included in the amount determined under
13 subsection (a) (2) (F) or (c) (2) (H).

14 (2) Pre-August 1, 1969 appreciation amount.

15 (A) If the fair market value of property referred
16 to in paragraph (1) was readily ascertainable on
17 August 1, 1969, the pre-August 1, 1969 appreciation
18 amount for such property is the lesser of (i) the
19 excess of such fair market value over the taxpayer's
20 basis (for determining gain) for such property on that
21 date (determined under the Internal Revenue Code as in
22 effect on that date), or (ii) the total gain realized
23 and reportable for federal income tax purposes in
24 respect of the sale, exchange or other disposition of
25 such property.

26 (B) If the fair market value of property referred

1 to in paragraph (1) was not readily ascertainable on
2 August 1, 1969, the pre-August 1, 1969 appreciation
3 amount for such property is that amount which bears
4 the same ratio to the total gain reported in respect of
5 the property for federal income tax purposes for the
6 taxable year, as the number of full calendar months in
7 that part of the taxpayer's holding period for the
8 property ending July 31, 1969 bears to the number of
9 full calendar months in the taxpayer's entire holding
10 period for the property.

11 (C) The Department shall prescribe such
12 regulations as may be necessary to carry out the
13 purposes of this paragraph.

14 (g) Double deductions. Unless specifically provided
15 otherwise, nothing in this Section shall permit the same item
16 to be deducted more than once.

17 (h) Legislative intention. Except as expressly provided by
18 this Section there shall be no modifications or limitations on
19 the amounts of income, gain, loss or deduction taken into
20 account in determining gross income, adjusted gross income or
21 taxable income for federal income tax purposes for the taxable
22 year, or in the amount of such items entering into the
23 computation of base income and net income under this Act for
24 such taxable year, whether in respect of property values as of

1 August 1, 1969 or otherwise.

2 (Source: P.A. 102-16, eff. 6-17-21; 102-558, eff. 8-20-21;
3 102-658, eff. 8-27-21; 102-813, eff. 5-13-22; 102-1112, eff.
4 12-21-22; 103-8, eff. 6-7-23; 103-478, eff. 1-1-24; 103-592,
5 Article 10, Section 10-900, eff. 6-7-24; 103-592, Article 170,
6 Section 170-90, eff. 6-7-24; 103-605, eff. 7-1-24; 103-647,
7 eff. 7-1-24; revised 8-20-24.)

8 (35 ILCS 5/241)

9 Sec. 241. Credit for quantum computing campuses.

10 (a) A taxpayer who has been awarded a credit by the
11 Department of Commerce and Economic Opportunity under Section
12 605-1115 ~~605-115~~ of the Department of Commerce and Economic
13 Opportunity Law of the Civil Administrative Code of Illinois
14 is entitled to a credit against the taxes imposed under
15 subsections (a) and (b) of Section 201 of this Act. The amount
16 of the credit shall be 20% of the wages paid by the taxpayer
17 during the taxable year to a full-time or part-time employee
18 of a construction contractor employed in the construction of
19 an eligible facility located on a quantum computing campus
20 designated under Section 605-1115 ~~605-115~~ of the Department of
21 Commerce and Economic Opportunity Law of the Civil
22 Administrative Code of Illinois.

23 (b) In no event shall a credit under this Section reduce
24 the taxpayer's liability to less than zero. If the amount of
25 the credit exceeds the tax liability for the year, the excess

1 may be carried forward and applied to the tax liability of the
2 5 taxable years following the excess credit year. The tax
3 credit shall be applied to the earliest year for which there is
4 a tax liability. If there are credits for more than one year
5 that are available to offset a liability, the earlier credit
6 shall be applied first.

7 (c) A person claiming the credit allowed under this
8 Section shall attach to its Illinois income tax return for the
9 taxable year for which the credit is allowed a copy of the tax
10 credit certificate issued by the Department of Commerce and
11 Economic Opportunity.

12 (d) Partners and shareholders of Subchapter S corporations
13 are entitled to a credit under this Section as provided in
14 Section 251.

15 (e) As used in this Section, "eligible facility" means a
16 building used primarily to house one or more of the following:
17 a quantum computer operator; a research facility; a data
18 center; a manufacturer and assembler of quantum computers and
19 component parts; a cryogenic or refrigeration facility; or any
20 other facility determined, by industry and academic leaders,
21 to be fundamental to the research and development of quantum
22 computing for practical solutions.

23 (f) This Section is exempt from the provisions of Section
24 250.

25 (Source: P.A. 103-595, eff. 6-26-24; revised 9-25-24.)

1 (35 ILCS 5/242)

2 Sec. 242 ~~241~~. Music and Musicians Tax Credits and Jobs
3 Act. Taxpayers who have been awarded a credit under the Music
4 and Musicians Tax Credits and Jobs Act are entitled to a credit
5 against the taxes imposed by subsections (a) and (b) of
6 Section 201 of this Act in an amount determined by the
7 Department of Commerce and Economic Opportunity under that
8 Act. The credit shall be claimed in the taxable year in which
9 the tax credit award certificate is issued, and the
10 certificate shall be attached to the return. If the taxpayer
11 is a partnership or Subchapter S corporation, the credit shall
12 be allowed to the partners or shareholders in accordance with
13 the provisions of Section 251.

14 The credit may not reduce the taxpayer's liability to less
15 than zero. If the amount of the credit exceeds the tax
16 liability for the year, the excess may be carried forward and
17 applied to the tax liability of the 5 taxable years following
18 the excess credit year. The credit shall be applied to the
19 earliest year for which there is a tax liability. If there are
20 credits from more than one tax year that are available to
21 offset a liability, the earlier credit shall be applied first.

22 (Source: P.A. 103-592, Article 52, Section 52-5, eff. 6-7-24;
23 revised 9-25-24.)

24 (35 ILCS 5/243)

25 Sec. 243 ~~241~~. The Illinois Gives tax credit.

1 (a) For taxable years ending on or after December 31, 2025
2 and ending before January 1, 2030, each taxpayer for whom a tax
3 credit has been authorized by the Department of Revenue under
4 the Illinois Gives Tax Credit Act is entitled to a credit
5 against the tax imposed under subsections (a) and (b) of
6 Section 201 in an amount equal to the amount authorized under
7 that Act.

8 (b) For partners of partnerships and shareholders of
9 Subchapter S corporations, there is allowed a credit under
10 this Section to be determined in accordance with Section 251
11 of this Act.

12 (c) The credit may not be carried back and may not reduce
13 the taxpayer's liability to less than zero. If the amount of
14 the credit exceeds the tax liability for the year, the excess
15 may be carried forward and applied to the tax liability of the
16 5 taxable years following the excess credit year. The tax
17 credit shall be applied to the earliest year for which there is
18 a tax liability. If there are credits for more than one year
19 that are available to offset a liability, the earlier credit
20 shall be applied first.

21 (Source: P.A. 103-592, Article 170, Section 170-90, eff.
22 6-7-24; revised 9-25-24.)

23 (35 ILCS 5/244)

24 Sec. 244. Child tax credit.

25 (a) For the taxable years beginning on or after January 1,

1 2024, each individual taxpayer who has at least one qualifying
2 child who is younger than 12 years of age as of the last day of
3 the taxable year is entitled to a credit against the tax
4 imposed by subsections (a) and (b) of Section 201. For tax
5 years beginning on or after January 1, 2024 and before January
6 1, 2025, the credit shall be equal to 20% of the credit allowed
7 to the taxpayer under Section 212 of this Act for that taxable
8 year. For tax years beginning on or after January 1, 2025, the
9 amount of the credit shall be equal to 40% of the credit
10 allowed to the taxpayer under Section 212 of this Act for that
11 taxable year.

12 (b) If the amount of the credit exceeds the income tax
13 liability for the applicable tax year, then the excess credit
14 shall be refunded to the taxpayer. The amount of the refund
15 under this Section shall not be included in the taxpayer's
16 income or resources for the purposes of determining
17 eligibility or benefit level in any means-tested benefit
18 program administered by a governmental entity unless required
19 by federal law.

20 (c) The Department may adopt rules to carry out the
21 provisions of this Section.

22 (d) As used in this Section, "qualifying child" has the
23 meaning given to that term in Section 152 of the Internal
24 Revenue Code.

25 (e) This Section is exempt from the provisions of Section
26 250.

1 (Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

2 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

3 Sec. 304. Business income of persons other than residents.

4 (a) In general. The business income of a person other than
5 a resident shall be allocated to this State if such person's
6 business income is derived solely from this State. If a person
7 other than a resident derives business income from this State
8 and one or more other states, then, for tax years ending on or
9 before December 30, 1998, and except as otherwise provided by
10 this Section, such person's business income shall be
11 apportioned to this State by multiplying the income by a
12 fraction, the numerator of which is the sum of the property
13 factor (if any), the payroll factor (if any) and 200% of the
14 sales factor (if any), and the denominator of which is 4
15 reduced by the number of factors other than the sales factor
16 which have a denominator of zero and by an additional 2 if the
17 sales factor has a denominator of zero. For tax years ending on
18 or after December 31, 1998, and except as otherwise provided
19 by this Section, persons other than residents who derive
20 business income from this State and one or more other states
21 shall compute their apportionment factor by weighting their
22 property, payroll, and sales factors as provided in subsection
23 (h) of this Section.

24 (1) Property factor.

25 (A) The property factor is a fraction, the numerator

1 of which is the average value of the person's real and
2 tangible personal property owned or rented and used in the
3 trade or business in this State during the taxable year
4 and the denominator of which is the average value of all
5 the person's real and tangible personal property owned or
6 rented and used in the trade or business during the
7 taxable year.

8 (B) Property owned by the person is valued at its
9 original cost. Property rented by the person is valued at
10 8 times the net annual rental rate. Net annual rental rate
11 is the annual rental rate paid by the person less any
12 annual rental rate received by the person from
13 sub-rentals.

14 (C) The average value of property shall be determined
15 by averaging the values at the beginning and ending of the
16 taxable year, but the Director may require the averaging
17 of monthly values during the taxable year if reasonably
18 required to reflect properly the average value of the
19 person's property.

20 (2) Payroll factor.

21 (A) The payroll factor is a fraction, the numerator of
22 which is the total amount paid in this State during the
23 taxable year by the person for compensation, and the
24 denominator of which is the total compensation paid
25 everywhere during the taxable year.

26 (B) Compensation is paid in this State if:

1 (i) The individual's service is performed entirely
2 within this State;

3 (ii) The individual's service is performed both
4 within and without this State, but the service
5 performed without this State is incidental to the
6 individual's service performed within this State; or

7 (iii) For tax years ending prior to December 31,
8 2020, some of the service is performed within this
9 State and either the base of operations, or if there is
10 no base of operations, the place from which the
11 service is directed or controlled is within this
12 State, or the base of operations or the place from
13 which the service is directed or controlled is not in
14 any state in which some part of the service is
15 performed, but the individual's residence is in this
16 State. For tax years ending on or after December 31,
17 2020, compensation is paid in this State if some of the
18 individual's service is performed within this State,
19 the individual's service performed within this State
20 is nonincidental to the individual's service performed
21 without this State, and the individual's service is
22 performed within this State for more than 30 working
23 days during the tax year. The amount of compensation
24 paid in this State shall include the portion of the
25 individual's total compensation for services performed
26 on behalf of his or her employer during the tax year

1 which the number of working days spent within this
2 State during the tax year bears to the total number of
3 working days spent both within and without this State
4 during the tax year. For purposes of this paragraph:

5 (a) The term "working day" means all days
6 during the tax year in which the individual
7 performs duties on behalf of his or her employer.
8 All days in which the individual performs no
9 duties on behalf of his or her employer (e.g.,
10 weekends, vacation days, sick days, and holidays)
11 are not working days.

12 (b) A working day is spent within this State
13 if:

14 (1) the individual performs service on
15 behalf of the employer and a greater amount of
16 time on that day is spent by the individual
17 performing duties on behalf of the employer
18 within this State, without regard to time
19 spent traveling, than is spent performing
20 duties on behalf of the employer without this
21 State; or

22 (2) the only service the individual
23 performs on behalf of the employer on that day
24 is traveling to a destination within this
25 State, and the individual arrives on that day.

26 (c) Working days spent within this State do

1 not include any day in which the employee is
2 performing services in this State during a
3 disaster period solely in response to a request
4 made to his or her employer by the government of
5 this State, by any political subdivision of this
6 State, or by a person conducting business in this
7 State to perform disaster or emergency-related
8 services in this State. For purposes of this item
9 (c):

10 "Declared State disaster or emergency"
11 means a disaster or emergency event (i) for
12 which a Governor's proclamation of a state of
13 emergency has been issued or (ii) for which a
14 Presidential declaration of a federal major
15 disaster or emergency has been issued.

16 "Disaster period" means a period that
17 begins 10 days prior to the date of the
18 Governor's proclamation or the President's
19 declaration (whichever is earlier) and extends
20 for a period of 60 calendar days after the end
21 of the declared disaster or emergency period.

22 "Disaster or emergency-related services"
23 means repairing, renovating, installing,
24 building, or rendering services or conducting
25 other business activities that relate to
26 infrastructure that has been damaged,

1 impaired, or destroyed by the declared State
2 disaster or emergency.

3 "Infrastructure" means property and
4 equipment owned or used by a public utility,
5 communications network, broadband and Internet
6 ~~internet~~ service provider, cable and video
7 service provider, electric or gas distribution
8 system, or water pipeline that provides
9 service to more than one customer or person,
10 including related support facilities.

11 "Infrastructure" includes, but is not limited
12 to, real and personal property such as
13 buildings, offices, power lines, cable lines,
14 poles, communications lines, pipes,
15 structures, and equipment.

16 (iv) Compensation paid to nonresident professional
17 athletes.

18 (a) General. The Illinois source income of a
19 nonresident individual who is a member of a
20 professional athletic team includes the portion of the
21 individual's total compensation for services performed
22 as a member of a professional athletic team during the
23 taxable year which the number of duty days spent
24 within this State performing services for the team in
25 any manner during the taxable year bears to the total
26 number of duty days spent both within and without this

1 State during the taxable year.

2 (b) Travel days. Travel days that do not involve
3 either a game, practice, team meeting, or other
4 similar team event are not considered duty days spent
5 in this State. However, such travel days are
6 considered in the total duty days spent both within
7 and without this State.

8 (c) Definitions. For purposes of this subpart
9 (iv):

10 (1) The term "professional athletic team"
11 includes, but is not limited to, any professional
12 baseball, basketball, football, soccer, or hockey
13 team.

14 (2) The term "member of a professional
15 athletic team" includes those employees who are
16 active players, players on the disabled list, and
17 any other persons required to travel and who
18 travel with and perform services on behalf of a
19 professional athletic team on a regular basis.
20 This includes, but is not limited to, coaches,
21 managers, and trainers.

22 (3) Except as provided in items (C) and (D) of
23 this subpart (3), the term "duty days" means all
24 days during the taxable year from the beginning of
25 the professional athletic team's official
26 pre-season training period through the last game

1 in which the team competes or is scheduled to
2 compete. Duty days shall be counted for the year
3 in which they occur, including where a team's
4 official pre-season training period through the
5 last game in which the team competes or is
6 scheduled to compete, occurs during more than one
7 tax year.

8 (A) Duty days shall also include days on
9 which a member of a professional athletic team
10 performs service for a team on a date that
11 does not fall within the foregoing period
12 (e.g., participation in instructional leagues,
13 the "All Star Game", or promotional
14 "caravans"). Performing a service for a
15 professional athletic team includes conducting
16 training and rehabilitation activities, when
17 such activities are conducted at team
18 facilities.

19 (B) Also included in duty days are game
20 days, practice days, days spent at team
21 meetings, promotional caravans, preseason
22 training camps, and days served with the team
23 through all post-season games in which the
24 team competes or is scheduled to compete.

25 (C) Duty days for any person who joins a
26 team during the period from the beginning of

1 the professional athletic team's official
2 pre-season training period through the last
3 game in which the team competes, or is
4 scheduled to compete, shall begin on the day
5 that person joins the team. Conversely, duty
6 days for any person who leaves a team during
7 this period shall end on the day that person
8 leaves the team. Where a person switches teams
9 during a taxable year, a separate duty-day
10 calculation shall be made for the period the
11 person was with each team.

12 (D) Days for which a member of a
13 professional athletic team is not compensated
14 and is not performing services for the team in
15 any manner, including days when such member of
16 a professional athletic team has been
17 suspended without pay and prohibited from
18 performing any services for the team, shall
19 not be treated as duty days.

20 (E) Days for which a member of a
21 professional athletic team is on the disabled
22 list and does not conduct rehabilitation
23 activities at facilities of the team, and is
24 not otherwise performing services for the team
25 in Illinois, shall not be considered duty days
26 spent in this State. All days on the disabled

1 list, however, are considered to be included
2 in total duty days spent both within and
3 without this State.

4 (4) The term "total compensation for services
5 performed as a member of a professional athletic
6 team" means the total compensation received during
7 the taxable year for services performed:

8 (A) from the beginning of the official
9 pre-season training period through the last
10 game in which the team competes or is
11 scheduled to compete during that taxable year;
12 and

13 (B) during the taxable year on a date
14 which does not fall within the foregoing
15 period (e.g., participation in instructional
16 leagues, the "All Star Game", or promotional
17 caravans).

18 This compensation shall include, but is not
19 limited to, salaries, wages, bonuses as described
20 in this subpart, and any other type of
21 compensation paid during the taxable year to a
22 member of a professional athletic team for
23 services performed in that year. This compensation
24 does not include strike benefits, severance pay,
25 termination pay, contract or option year buy-out
26 payments, expansion or relocation payments, or any

1 other payments not related to services performed
2 for the team.

3 For purposes of this subparagraph, "bonuses"
4 included in "total compensation for services
5 performed as a member of a professional athletic
6 team" subject to the allocation described in
7 Section 302(c)(1) are: bonuses earned as a result
8 of play (i.e., performance bonuses) during the
9 season, including bonuses paid for championship,
10 playoff or "bowl" games played by a team, or for
11 selection to all-star league or other honorary
12 positions; and bonuses paid for signing a
13 contract, unless the payment of the signing bonus
14 is not conditional upon the signee playing any
15 games for the team or performing any subsequent
16 services for the team or even making the team, the
17 signing bonus is payable separately from the
18 salary and any other compensation, and the signing
19 bonus is nonrefundable.

20 (3) Sales factor.

21 (A) The sales factor is a fraction, the numerator of
22 which is the total sales of the person in this State during
23 the taxable year, and the denominator of which is the
24 total sales of the person everywhere during the taxable
25 year.

26 (B) Sales of tangible personal property are in this

1 State if:

2 (i) The property is delivered or shipped to a
3 purchaser, other than the United States government,
4 within this State regardless of the f. o. b. point or
5 other conditions of the sale; or

6 (ii) The property is shipped from an office,
7 store, warehouse, factory or other place of storage in
8 this State and either the purchaser is the United
9 States government or the person is not taxable in the
10 state of the purchaser; provided, however, that
11 premises owned or leased by a person who has
12 independently contracted with the seller for the
13 printing of newspapers, periodicals or books shall not
14 be deemed to be an office, store, warehouse, factory
15 or other place of storage for purposes of this
16 Section. Sales of tangible personal property are not
17 in this State if the seller and purchaser would be
18 members of the same unitary business group but for the
19 fact that either the seller or purchaser is a person
20 with 80% or more of total business activity outside of
21 the United States and the property is purchased for
22 resale.

23 (B-1) Patents, copyrights, trademarks, and similar
24 items of intangible personal property.

25 (i) Gross receipts from the licensing, sale, or
26 other disposition of a patent, copyright, trademark,

1 or similar item of intangible personal property, other
2 than gross receipts governed by paragraph (B-7) of
3 this item (3), are in this State to the extent the item
4 is utilized in this State during the year the gross
5 receipts are included in gross income.

6 (ii) Place of utilization.

7 (I) A patent is utilized in a state to the
8 extent that it is employed in production,
9 fabrication, manufacturing, or other processing in
10 the state or to the extent that a patented product
11 is produced in the state. If a patent is utilized
12 in more than one state, the extent to which it is
13 utilized in any one state shall be a fraction
14 equal to the gross receipts of the licensee or
15 purchaser from sales or leases of items produced,
16 fabricated, manufactured, or processed within that
17 state using the patent and of patented items
18 produced within that state, divided by the total
19 of such gross receipts for all states in which the
20 patent is utilized.

21 (II) A copyright is utilized in a state to the
22 extent that printing or other publication
23 originates in the state. If a copyright is
24 utilized in more than one state, the extent to
25 which it is utilized in any one state shall be a
26 fraction equal to the gross receipts from sales or

1 licenses of materials printed or published in that
2 state divided by the total of such gross receipts
3 for all states in which the copyright is utilized.

4 (III) Trademarks and other items of intangible
5 personal property governed by this paragraph (B-1)
6 are utilized in the state in which the commercial
7 domicile of the licensee or purchaser is located.

8 (iii) If the state of utilization of an item of
9 property governed by this paragraph (B-1) cannot be
10 determined from the taxpayer's books and records or
11 from the books and records of any person related to the
12 taxpayer within the meaning of Section 267(b) of the
13 Internal Revenue Code, 26 U.S.C. 267, the gross
14 receipts attributable to that item shall be excluded
15 from both the numerator and the denominator of the
16 sales factor.

17 (B-2) Gross receipts from the license, sale, or other
18 disposition of patents, copyrights, trademarks, and
19 similar items of intangible personal property, other than
20 gross receipts governed by paragraph (B-7) of this item
21 (3), may be included in the numerator or denominator of
22 the sales factor only if gross receipts from licenses,
23 sales, or other disposition of such items comprise more
24 than 50% of the taxpayer's total gross receipts included
25 in gross income during the tax year and during each of the
26 2 immediately preceding tax years; provided that, when a

1 taxpayer is a member of a unitary business group, such
2 determination shall be made on the basis of the gross
3 receipts of the entire unitary business group.

4 (B-5) For taxable years ending on or after December
5 31, 2008, except as provided in subsections (ii) through
6 (vii), receipts from the sale of telecommunications
7 service or mobile telecommunications service are in this
8 State if the customer's service address is in this State.

9 (i) For purposes of this subparagraph (B-5), the
10 following terms have the following meanings:

11 "Ancillary services" means services that are
12 associated with or incidental to the provision of
13 "telecommunications services", including, but not
14 limited to, "detailed telecommunications billing",
15 "directory assistance", "vertical service", and "voice
16 mail services".

17 "Air-to-Ground Radiotelephone service" means a
18 radio service, as that term is defined in 47 CFR 22.99,
19 in which common carriers are authorized to offer and
20 provide radio telecommunications service for hire to
21 subscribers in aircraft.

22 "Call-by-call Basis" means any method of charging
23 for telecommunications services where the price is
24 measured by individual calls.

25 "Communications Channel" means a physical or
26 virtual path of communications over which signals are

1 transmitted between or among customer channel
2 termination points.

3 "Conference bridging service" means an "ancillary
4 service" that links two or more participants of an
5 audio or video conference call and may include the
6 provision of a telephone number. "Conference bridging
7 service" does not include the "telecommunications
8 services" used to reach the conference bridge.

9 "Customer Channel Termination Point" means the
10 location where the customer either inputs or receives
11 the communications.

12 "Detailed telecommunications billing service"
13 means an "ancillary service" of separately stating
14 information pertaining to individual calls on a
15 customer's billing statement.

16 "Directory assistance" means an "ancillary
17 service" of providing telephone number information,
18 and/or address information.

19 "Home service provider" means the facilities based
20 carrier or reseller with which the customer contracts
21 for the provision of mobile telecommunications
22 services.

23 "Mobile telecommunications service" means
24 commercial mobile radio service, as defined in Section
25 20.3 of Title 47 of the Code of Federal Regulations as
26 in effect on June 1, 1999.

1 "Place of primary use" means the street address
2 representative of where the customer's use of the
3 telecommunications service primarily occurs, which
4 must be the residential street address or the primary
5 business street address of the customer. In the case
6 of mobile telecommunications services, "place of
7 primary use" must be within the licensed service area
8 of the home service provider.

9 "Post-paid telecommunication service" means the
10 telecommunications service obtained by making a
11 payment on a call-by-call basis either through the use
12 of a credit card or payment mechanism such as a bank
13 card, travel card, credit card, or debit card, or by
14 charge made to a telephone number which is not
15 associated with the origination or termination of the
16 telecommunications service. A post-paid calling
17 service includes telecommunications service, except a
18 prepaid wireless calling service, that would be a
19 prepaid calling service except it is not exclusively a
20 telecommunication service.

21 "Prepaid telecommunication service" means the
22 right to access exclusively telecommunications
23 services, which must be paid for in advance and which
24 enables the origination of calls using an access
25 number or authorization code, whether manually or
26 electronically dialed, and that is sold in

1 predetermined units or dollars of which the number
2 declines with use in a known amount.

3 "Prepaid Mobile telecommunication service" means a
4 telecommunications service that provides the right to
5 utilize mobile wireless service as well as other
6 non-telecommunication services, including, but not
7 limited to, ancillary services, which must be paid for
8 in advance that is sold in predetermined units or
9 dollars of which the number declines with use in a
10 known amount.

11 "Private communication service" means a
12 telecommunication service that entitles the customer
13 to exclusive or priority use of a communications
14 channel or group of channels between or among
15 termination points, regardless of the manner in which
16 such channel or channels are connected, and includes
17 switching capacity, extension lines, stations, and any
18 other associated services that are provided in
19 connection with the use of such channel or channels.

20 "Service address" means:

21 (a) The location of the telecommunications
22 equipment to which a customer's call is charged
23 and from which the call originates or terminates,
24 regardless of where the call is billed or paid;

25 (b) If the location in line (a) is not known,
26 service address means the origination point of the

1 signal of the telecommunications services first
2 identified by either the seller's
3 telecommunications system or in information
4 received by the seller from its service provider
5 where the system used to transport such signals is
6 not that of the seller; and

7 (c) If the locations in line (a) and line (b)
8 are not known, the service address means the
9 location of the customer's place of primary use.

10 "Telecommunications service" means the electronic
11 transmission, conveyance, or routing of voice, data,
12 audio, video, or any other information or signals to a
13 point, or between or among points. The term
14 "telecommunications service" includes such
15 transmission, conveyance, or routing in which computer
16 processing applications are used to act on the form,
17 code or protocol of the content for purposes of
18 transmission, conveyance or routing without regard to
19 whether such service is referred to as voice over
20 Internet protocol services or is classified by the
21 Federal Communications Commission as enhanced or value
22 added. "Telecommunications service" does not include:

23 (a) Data processing and information services
24 that allow data to be generated, acquired, stored,
25 processed, or retrieved and delivered by an
26 electronic transmission to a purchaser when such

1 purchaser's primary purpose for the underlying
2 transaction is the processed data or information;

3 (b) Installation or maintenance of wiring or
4 equipment on a customer's premises;

5 (c) Tangible personal property;

6 (d) Advertising, including, but not limited
7 to, directory advertising;

8 (e) Billing and collection services provided
9 to third parties;

10 (f) Internet access service;

11 (g) Radio and television audio and video
12 programming services, regardless of the medium,
13 including the furnishing of transmission,
14 conveyance and routing of such services by the
15 programming service provider. Radio and television
16 audio and video programming services shall
17 include, but not be limited to, cable service as
18 defined in 47 USC 522(6) and audio and video
19 programming services delivered by commercial
20 mobile radio service providers, as defined in 47
21 CFR 20.3;

22 (h) "Ancillary services"; or

23 (i) Digital products "delivered
24 electronically", including, but not limited to,
25 software, music, video, reading materials or
26 ringtones ~~ring tones~~.

1 "Vertical service" means an "ancillary service"
2 that is offered in connection with one or more
3 "telecommunications services", which offers advanced
4 calling features that allow customers to identify
5 callers and to manage multiple calls and call
6 connections, including "conference bridging services".

7 "Voice mail service" means an "ancillary service"
8 that enables the customer to store, send or receive
9 recorded messages. "Voice mail service" does not
10 include any "vertical services" that the customer may
11 be required to have in order to utilize the "voice mail
12 service".

13 (ii) Receipts from the sale of telecommunications
14 service sold on an individual call-by-call basis are
15 in this State if either of the following applies:

16 (a) The call both originates and terminates in
17 this State.

18 (b) The call either originates or terminates
19 in this State and the service address is located
20 in this State.

21 (iii) Receipts from the sale of postpaid
22 telecommunications service at retail are in this State
23 if the origination point of the telecommunication
24 signal, as first identified by the service provider's
25 telecommunication system or as identified by
26 information received by the seller from its service

1 provider if the system used to transport
2 telecommunication signals is not the seller's, is
3 located in this State.

4 (iv) Receipts from the sale of prepaid
5 telecommunications service or prepaid mobile
6 telecommunications service at retail are in this State
7 if the purchaser obtains the prepaid card or similar
8 means of conveyance at a location in this State.
9 Receipts from recharging a prepaid telecommunications
10 service or mobile telecommunications service is in
11 this State if the purchaser's billing information
12 indicates a location in this State.

13 (v) Receipts from the sale of private
14 communication services are in this State as follows:

15 (a) 100% of receipts from charges imposed at
16 each channel termination point in this State.

17 (b) 100% of receipts from charges for the
18 total channel mileage between each channel
19 termination point in this State.

20 (c) 50% of the total receipts from charges for
21 service segments when those segments are between 2
22 customer channel termination points, 1 of which is
23 located in this State and the other is located
24 outside of this State, which segments are
25 separately charged.

26 (d) The receipts from charges for service

1 segments with a channel termination point located
2 in this State and in two or more other states, and
3 which segments are not separately billed, are in
4 this State based on a percentage determined by
5 dividing the number of customer channel
6 termination points in this State by the total
7 number of customer channel termination points.

8 (vi) Receipts from charges for ancillary services
9 for telecommunications service sold to customers at
10 retail are in this State if the customer's primary
11 place of use of telecommunications services associated
12 with those ancillary services is in this State. If the
13 seller of those ancillary services cannot determine
14 where the associated telecommunications are located,
15 then the ancillary services shall be based on the
16 location of the purchaser.

17 (vii) Receipts to access a carrier's network or
18 from the sale of telecommunication services or
19 ancillary services for resale are in this State as
20 follows:

21 (a) 100% of the receipts from access fees
22 attributable to intrastate telecommunications
23 service that both originates and terminates in
24 this State.

25 (b) 50% of the receipts from access fees
26 attributable to interstate telecommunications

1 service if the interstate call either originates
2 or terminates in this State.

3 (c) 100% of the receipts from interstate end
4 user access line charges, if the customer's
5 service address is in this State. As used in this
6 subdivision, "interstate end user access line
7 charges" includes, but is not limited to, the
8 surcharge approved by the federal communications
9 commission and levied pursuant to 47 CFR 69.

10 (d) Gross receipts from sales of
11 telecommunication services or from ancillary
12 services for telecommunications services sold to
13 other telecommunication service providers for
14 resale shall be sourced to this State using the
15 apportionment concepts used for non-resale
16 receipts of telecommunications services if the
17 information is readily available to make that
18 determination. If the information is not readily
19 available, then the taxpayer may use any other
20 reasonable and consistent method.

21 (B-7) For taxable years ending on or after December
22 31, 2008, receipts from the sale of broadcasting services
23 are in this State if the broadcasting services are
24 received in this State. For purposes of this paragraph
25 (B-7), the following terms have the following meanings:

26 "Advertising revenue" means consideration received

1 by the taxpayer in exchange for broadcasting services
2 or allowing the broadcasting of commercials or
3 announcements in connection with the broadcasting of
4 film or radio programming, from sponsorships of the
5 programming, or from product placements in the
6 programming.

7 "Audience factor" means the ratio that the
8 audience or subscribers located in this State of a
9 station, a network, or a cable system bears to the
10 total audience or total subscribers for that station,
11 network, or cable system. The audience factor for film
12 or radio programming shall be determined by reference
13 to the books and records of the taxpayer or by
14 reference to published rating statistics provided the
15 method used by the taxpayer is consistently used from
16 year to year for this purpose and fairly represents
17 the taxpayer's activity in this State.

18 "Broadcast" or "broadcasting" or "broadcasting
19 services" means the transmission or provision of film
20 or radio programming, whether through the public
21 airwaves, by cable, by direct or indirect satellite
22 transmission, or by any other means of communication,
23 either through a station, a network, or a cable
24 system.

25 "Film" or "film programming" means the broadcast
26 on television of any and all performances, events, or

1 productions, including, but not limited to, news,
2 sporting events, plays, stories, or other literary,
3 commercial, educational, or artistic works, either
4 live or through the use of video tape, disc, or any
5 other type of format or medium. Each episode of a
6 series of films produced for television shall
7 constitute a separate "film" notwithstanding that the
8 series relates to the same principal subject and is
9 produced during one or more tax periods.

10 "Radio" or "radio programming" means the broadcast
11 on radio of any and all performances, events, or
12 productions, including, but not limited to, news,
13 sporting events, plays, stories, or other literary,
14 commercial, educational, or artistic works, either
15 live or through the use of an audio tape, disc, or any
16 other format or medium. Each episode in a series of
17 radio programming produced for radio broadcast shall
18 constitute a separate "radio programming"
19 notwithstanding that the series relates to the same
20 principal subject and is produced during one or more
21 tax periods.

22 (i) In the case of advertising revenue from
23 broadcasting, the customer is the advertiser and
24 the service is received in this State if the
25 commercial domicile of the advertiser is in this
26 State.

1 (ii) In the case where film or radio
2 programming is broadcast by a station, a network,
3 or a cable system for a fee or other remuneration
4 received from the recipient of the broadcast, the
5 portion of the service that is received in this
6 State is measured by the portion of the recipients
7 of the broadcast located in this State.
8 Accordingly, the fee or other remuneration for
9 such service that is included in the Illinois
10 numerator of the sales factor is the total of
11 those fees or other remuneration received from
12 recipients in Illinois. For purposes of this
13 paragraph, a taxpayer may determine the location
14 of the recipients of its broadcast using the
15 address of the recipient shown in its contracts
16 with the recipient or using the billing address of
17 the recipient in the taxpayer's records.

18 (iii) In the case where film or radio
19 programming is broadcast by a station, a network,
20 or a cable system for a fee or other remuneration
21 from the person providing the programming, the
22 portion of the broadcast service that is received
23 by such station, network, or cable system in this
24 State is measured by the portion of recipients of
25 the broadcast located in this State. Accordingly,
26 the amount of revenue related to such an

1 arrangement that is included in the Illinois
2 numerator of the sales factor is the total fee or
3 other total remuneration from the person providing
4 the programming related to that broadcast
5 multiplied by the Illinois audience factor for
6 that broadcast.

7 (iv) In the case where film or radio
8 programming is provided by a taxpayer that is a
9 network or station to a customer for broadcast in
10 exchange for a fee or other remuneration from that
11 customer the broadcasting service is received at
12 the location of the office of the customer from
13 which the services were ordered in the regular
14 course of the customer's trade or business.
15 Accordingly, in such a case the revenue derived by
16 the taxpayer that is included in the taxpayer's
17 Illinois numerator of the sales factor is the
18 revenue from such customers who receive the
19 broadcasting service in Illinois.

20 (v) In the case where film or radio
21 programming is provided by a taxpayer that is not
22 a network or station to another person for
23 broadcasting in exchange for a fee or other
24 remuneration from that person, the broadcasting
25 service is received at the location of the office
26 of the customer from which the services were

1 ordered in the regular course of the customer's
2 trade or business. Accordingly, in such a case the
3 revenue derived by the taxpayer that is included
4 in the taxpayer's Illinois numerator of the sales
5 factor is the revenue from such customers who
6 receive the broadcasting service in Illinois.

7 (B-8) Gross receipts from winnings under the Illinois
8 Lottery Law from the assignment of a prize under Section
9 13.1 of the Illinois Lottery Law are received in this
10 State. This paragraph (B-8) applies only to taxable years
11 ending on or after December 31, 2013.

12 (B-9) For taxable years ending on or after December
13 31, 2019, gross receipts from winnings from pari-mutuel
14 wagering conducted at a wagering facility licensed under
15 the Illinois Horse Racing Act of 1975 or from winnings
16 from gambling games conducted on a riverboat or in a
17 casino or organization gaming facility licensed under the
18 Illinois Gambling Act are in this State.

19 (B-10) For taxable years ending on or after December
20 31, 2021, gross receipts from winnings from sports
21 wagering conducted in accordance with the Sports Wagering
22 Act are in this State.

23 (C) For taxable years ending before December 31, 2008,
24 sales, other than sales governed by paragraphs (B), (B-1),
25 (B-2), and (B-8) are in this State if:

26 (i) The income-producing activity is performed in

1 this State; or

2 (ii) The income-producing activity is performed
3 both within and without this State and a greater
4 proportion of the income-producing activity is
5 performed within this State than without this State,
6 based on performance costs.

7 (C-5) For taxable years ending on or after December
8 31, 2008, sales, other than sales governed by paragraphs
9 (B), (B-1), (B-2), (B-5), and (B-7), are in this State if
10 any of the following criteria are met:

11 (i) Sales from the sale or lease of real property
12 are in this State if the property is located in this
13 State.

14 (ii) Sales from the lease or rental of tangible
15 personal property are in this State if the property is
16 located in this State during the rental period. Sales
17 from the lease or rental of tangible personal property
18 that is characteristically moving property, including,
19 but not limited to, motor vehicles, rolling stock,
20 aircraft, vessels, or mobile equipment are in this
21 State to the extent that the property is used in this
22 State.

23 (iii) In the case of interest, net gains (but not
24 less than zero) and other items of income from
25 intangible personal property, the sale is in this
26 State if:

1 (a) in the case of a taxpayer who is a dealer
2 in the item of intangible personal property within
3 the meaning of Section 475 of the Internal Revenue
4 Code, the income or gain is received from a
5 customer in this State. For purposes of this
6 subparagraph, a customer is in this State if the
7 customer is an individual, trust or estate who is
8 a resident of this State and, for all other
9 customers, if the customer's commercial domicile
10 is in this State. Unless the dealer has actual
11 knowledge of the residence or commercial domicile
12 of a customer during a taxable year, the customer
13 shall be deemed to be a customer in this State if
14 the billing address of the customer, as shown in
15 the records of the dealer, is in this State; or

16 (b) in all other cases, if the
17 income-producing activity of the taxpayer is
18 performed in this State or, if the
19 income-producing activity of the taxpayer is
20 performed both within and without this State, if a
21 greater proportion of the income-producing
22 activity of the taxpayer is performed within this
23 State than in any other state, based on
24 performance costs.

25 (iv) Sales of services are in this State if the
26 services are received in this State. For the purposes

1 of this section, gross receipts from the performance
2 of services provided to a corporation, partnership, or
3 trust may only be attributed to a state where that
4 corporation, partnership, or trust has a fixed place
5 of business. If the state where the services are
6 received is not readily determinable or is a state
7 where the corporation, partnership, or trust receiving
8 the service does not have a fixed place of business,
9 the services shall be deemed to be received at the
10 location of the office of the customer from which the
11 services were ordered in the regular course of the
12 customer's trade or business. If the ordering office
13 cannot be determined, the services shall be deemed to
14 be received at the office of the customer to which the
15 services are billed. If the taxpayer is not taxable in
16 the state in which the services are received, the sale
17 must be excluded from both the numerator and the
18 denominator of the sales factor. The Department shall
19 adopt rules prescribing where specific types of
20 service are received, including, but not limited to,
21 publishing, and utility service.

22 (D) For taxable years ending on or after December 31,
23 1995, the following items of income shall not be included
24 in the numerator or denominator of the sales factor:
25 dividends; amounts included under Section 78 of the
26 Internal Revenue Code; and Subpart F income as defined in

1 Section 952 of the Internal Revenue Code. No inference
2 shall be drawn from the enactment of this paragraph (D) in
3 construing this Section for taxable years ending before
4 December 31, 1995.

5 (E) Paragraphs (B-1) and (B-2) shall apply to tax
6 years ending on or after December 31, 1999, provided that
7 a taxpayer may elect to apply the provisions of these
8 paragraphs to prior tax years. Such election shall be made
9 in the form and manner prescribed by the Department, shall
10 be irrevocable, and shall apply to all tax years; provided
11 that, if a taxpayer's Illinois income tax liability for
12 any tax year, as assessed under Section 903 prior to
13 January 1, 1999, was computed in a manner contrary to the
14 provisions of paragraphs (B-1) or (B-2), no refund shall
15 be payable to the taxpayer for that tax year to the extent
16 such refund is the result of applying the provisions of
17 paragraph (B-1) or (B-2) retroactively. In the case of a
18 unitary business group, such election shall apply to all
19 members of such group for every tax year such group is in
20 existence, but shall not apply to any taxpayer for any
21 period during which that taxpayer is not a member of such
22 group.

23 (b) Insurance companies.

24 (1) In general. Except as otherwise provided by
25 paragraph (2), business income of an insurance company for
26 a taxable year shall be apportioned to this State by

1 multiplying such income by a fraction, the numerator of
2 which is the direct premiums written for insurance upon
3 property or risk in this State, and the denominator of
4 which is the direct premiums written for insurance upon
5 property or risk everywhere. For purposes of this
6 subsection, the term "direct premiums written" means the
7 total amount of direct premiums written, assessments and
8 annuity considerations as reported for the taxable year on
9 the annual statement filed by the company with the
10 Illinois Director of Insurance in the form approved by the
11 National Convention of Insurance Commissioners or such
12 other form as may be prescribed in lieu thereof.

13 (2) Reinsurance. If the principal source of premiums
14 written by an insurance company consists of premiums for
15 reinsurance accepted by it, the business income of such
16 company shall be apportioned to this State by multiplying
17 such income by a fraction, the numerator of which is the
18 sum of (i) direct premiums written for insurance upon
19 property or risk in this State, plus (ii) premiums written
20 for reinsurance accepted in respect of property or risk in
21 this State, and the denominator of which is the sum of
22 (iii) direct premiums written for insurance upon property
23 or risk everywhere, plus (iv) premiums written for
24 reinsurance accepted in respect of property or risk
25 everywhere. For purposes of this paragraph, premiums
26 written for reinsurance accepted in respect of property or

1 risk in this State, whether or not otherwise determinable,
2 may, at the election of the company, be determined on the
3 basis of the proportion which premiums written for
4 reinsurance accepted from companies commercially domiciled
5 in Illinois bears to premiums written for reinsurance
6 accepted from all sources, or, alternatively, in the
7 proportion which the sum of the direct premiums written
8 for insurance upon property or risk in this State by each
9 ceding company from which reinsurance is accepted bears to
10 the sum of the total direct premiums written by each such
11 ceding company for the taxable year. The election made by
12 a company under this paragraph for its first taxable year
13 ending on or after December 31, 2011, shall be binding for
14 that company for that taxable year and for all subsequent
15 taxable years, and may be altered only with the written
16 permission of the Department, which shall not be
17 unreasonably withheld.

18 (c) Financial organizations.

19 (1) In general. For taxable years ending before
20 December 31, 2008, business income of a financial
21 organization shall be apportioned to this State by
22 multiplying such income by a fraction, the numerator of
23 which is its business income from sources within this
24 State, and the denominator of which is its business income
25 from all sources. For the purposes of this subsection, the
26 business income of a financial organization from sources

1 within this State is the sum of the amounts referred to in
2 subparagraphs (A) through (E) following, but excluding the
3 adjusted income of an international banking facility as
4 determined in paragraph (2):

5 (A) Fees, commissions or other compensation for
6 financial services rendered within this State;

7 (B) Gross profits from trading in stocks, bonds or
8 other securities managed within this State;

9 (C) Dividends, and interest from Illinois
10 customers, which are received within this State;

11 (D) Interest charged to customers at places of
12 business maintained within this State for carrying
13 debit balances of margin accounts, without deduction
14 of any costs incurred in carrying such accounts; and

15 (E) Any other gross income resulting from the
16 operation as a financial organization within this
17 State.

18 In computing the amounts referred to in paragraphs (A)
19 through (E) of this subsection, any amount received by a
20 member of an affiliated group (determined under Section
21 1504(a) of the Internal Revenue Code but without reference
22 to whether any such corporation is an "includible
23 corporation" under Section 1504(b) of the Internal Revenue
24 Code) from another member of such group shall be included
25 only to the extent such amount exceeds expenses of the
26 recipient directly related thereto.

1 (2) International Banking Facility. For taxable years
2 ending before December 31, 2008:

3 (A) Adjusted Income. The adjusted income of an
4 international banking facility is its income reduced
5 by the amount of the floor amount.

6 (B) Floor Amount. The floor amount shall be the
7 amount, if any, determined by multiplying the income
8 of the international banking facility by a fraction,
9 not greater than one, which is determined as follows:

10 (i) The numerator shall be:

11 The average aggregate, determined on a
12 quarterly basis, of the financial organization's
13 loans to banks in foreign countries, to foreign
14 domiciled borrowers (except where secured
15 primarily by real estate) and to foreign
16 governments and other foreign official
17 institutions, as reported for its branches,
18 agencies and offices within the state on its
19 "Consolidated Report of Condition", Schedule A,
20 Lines 2.c., 5.b., and 7.a., which was filed with
21 the Federal Deposit Insurance Corporation and
22 other regulatory authorities, for the year 1980,
23 minus

24 The average aggregate, determined on a
25 quarterly basis, of such loans (other than loans
26 of an international banking facility), as reported

1 by the financial institution for its branches,
2 agencies and offices within the state, on the
3 corresponding Schedule and lines of the
4 Consolidated Report of Condition for the current
5 taxable year, provided, however, that in no case
6 shall the amount determined in this clause (the
7 subtrahend) exceed the amount determined in the
8 preceding clause (the minuend); and

9 (ii) the denominator shall be the average
10 aggregate, determined on a quarterly basis, of the
11 international banking facility's loans to banks in
12 foreign countries, to foreign domiciled borrowers
13 (except where secured primarily by real estate)
14 and to foreign governments and other foreign
15 official institutions, which were recorded in its
16 financial accounts for the current taxable year.

17 (C) Change to Consolidated Report of Condition and
18 in Qualification. In the event the Consolidated Report
19 of Condition which is filed with the Federal Deposit
20 Insurance Corporation and other regulatory authorities
21 is altered so that the information required for
22 determining the floor amount is not found on Schedule
23 A, lines 2.c., 5.b. and 7.a., the financial
24 institution shall notify the Department and the
25 Department may, by regulations or otherwise, prescribe
26 or authorize the use of an alternative source for such

1 information. The financial institution shall also
2 notify the Department should its international banking
3 facility fail to qualify as such, in whole or in part,
4 or should there be any amendment or change to the
5 Consolidated Report of Condition, as originally filed,
6 to the extent such amendment or change alters the
7 information used in determining the floor amount.

8 (3) For taxable years ending on or after December 31,
9 2008, the business income of a financial organization
10 shall be apportioned to this State by multiplying such
11 income by a fraction, the numerator of which is its gross
12 receipts from sources in this State or otherwise
13 attributable to this State's marketplace and the
14 denominator of which is its gross receipts everywhere
15 during the taxable year. "Gross receipts" for purposes of
16 this subparagraph (3) means gross income, including net
17 taxable gain on disposition of assets, including
18 securities and money market instruments, when derived from
19 transactions and activities in the regular course of the
20 financial organization's trade or business. The following
21 examples are illustrative:

22 (i) Receipts from the lease or rental of real or
23 tangible personal property are in this State if the
24 property is located in this State during the rental
25 period. Receipts from the lease or rental of tangible
26 personal property that is characteristically moving

1 property, including, but not limited to, motor
2 vehicles, rolling stock, aircraft, vessels, or mobile
3 equipment are from sources in this State to the extent
4 that the property is used in this State.

5 (ii) Interest income, commissions, fees, gains on
6 disposition, and other receipts from assets in the
7 nature of loans that are secured primarily by real
8 estate or tangible personal property are from sources
9 in this State if the security is located in this State.

10 (iii) Interest income, commissions, fees, gains on
11 disposition, and other receipts from consumer loans
12 that are not secured by real or tangible personal
13 property are from sources in this State if the debtor
14 is a resident of this State.

15 (iv) Interest income, commissions, fees, gains on
16 disposition, and other receipts from commercial loans
17 and installment obligations that are not secured by
18 real or tangible personal property are from sources in
19 this State if the proceeds of the loan are to be
20 applied in this State. If it cannot be determined
21 where the funds are to be applied, the income and
22 receipts are from sources in this State if the office
23 of the borrower from which the loan was negotiated in
24 the regular course of business is located in this
25 State. If the location of this office cannot be
26 determined, the income and receipts shall be excluded

1 from the numerator and denominator of the sales
2 factor.

3 (v) Interest income, fees, gains on disposition,
4 service charges, merchant discount income, and other
5 receipts from credit card receivables are from sources
6 in this State if the card charges are regularly billed
7 to a customer in this State.

8 (vi) Receipts from the performance of services,
9 including, but not limited to, fiduciary, advisory,
10 and brokerage services, are in this State if the
11 services are received in this State within the meaning
12 of subparagraph (a) (3) (C-5) (iv) of this Section.

13 (vii) Receipts from the issuance of travelers
14 checks and money orders are from sources in this State
15 if the checks and money orders are issued from a
16 location within this State.

17 (viii) For tax years ending before December 31,
18 2024, receipts from investment assets and activities
19 and trading assets and activities are included in the
20 receipts factor as follows:

21 (1) Interest, dividends, net gains (but not
22 less than zero) and other income from investment
23 assets and activities from trading assets and
24 activities shall be included in the receipts
25 factor. Investment assets and activities and
26 trading assets and activities include, but are not

1 limited to: investment securities; trading account
2 assets; federal funds; securities purchased and
3 sold under agreements to resell or repurchase;
4 options; futures contracts; forward contracts;
5 notional principal contracts such as swaps;
6 equities; and foreign currency transactions. With
7 respect to the investment and trading assets and
8 activities described in subparagraphs (A) and (B)
9 of this paragraph, the receipts factor shall
10 include the amounts described in such
11 subparagraphs.

12 (A) The receipts factor shall include the
13 amount by which interest from federal funds
14 sold and securities purchased under resale
15 agreements exceeds interest expense on federal
16 funds purchased and securities sold under
17 repurchase agreements.

18 (B) The receipts factor shall include the
19 amount by which interest, dividends, gains and
20 other income from trading assets and
21 activities, including, but not limited to,
22 assets and activities in the matched book, in
23 the arbitrage book, and foreign currency
24 transactions, exceed amounts paid in lieu of
25 interest, amounts paid in lieu of dividends,
26 and losses from such assets and activities.

1 (2) The numerator of the receipts factor
2 includes interest, dividends, net gains (but not
3 less than zero), and other income from investment
4 assets and activities and from trading assets and
5 activities described in paragraph (1) of this
6 subsection that are attributable to this State.

7 (A) The amount of interest, dividends, net
8 gains (but not less than zero), and other
9 income from investment assets and activities
10 in the investment account to be attributed to
11 this State and included in the numerator is
12 determined by multiplying all such income from
13 such assets and activities by a fraction, the
14 numerator of which is the gross income from
15 such assets and activities which are properly
16 assigned to a fixed place of business of the
17 taxpayer within this State and the denominator
18 of which is the gross income from all such
19 assets and activities.

20 (B) The amount of interest from federal
21 funds sold and purchased and from securities
22 purchased under resale agreements and
23 securities sold under repurchase agreements
24 attributable to this State and included in the
25 numerator is determined by multiplying the
26 amount described in subparagraph (A) of

1 paragraph (1) of this subsection from such
2 funds and such securities by a fraction, the
3 numerator of which is the gross income from
4 such funds and such securities which are
5 properly assigned to a fixed place of business
6 of the taxpayer within this State and the
7 denominator of which is the gross income from
8 all such funds and such securities.

9 (C) The amount of interest, dividends,
10 gains, and other income from trading assets
11 and activities, including, but not limited to,
12 assets and activities in the matched book, in
13 the arbitrage book and foreign currency
14 transactions (but excluding amounts described
15 in subparagraphs (A) or (B) of this
16 paragraph), attributable to this State and
17 included in the numerator is determined by
18 multiplying the amount described in
19 subparagraph (B) of paragraph (1) of this
20 subsection by a fraction, the numerator of
21 which is the gross income from such trading
22 assets and activities which are properly
23 assigned to a fixed place of business of the
24 taxpayer within this State and the denominator
25 of which is the gross income from all such
26 assets and activities.

1 (D) Properly assigned, for purposes of
2 this paragraph (2) of this subsection, means
3 the investment or trading asset or activity is
4 assigned to the fixed place of business with
5 which it has a preponderance of substantive
6 contacts. An investment or trading asset or
7 activity assigned by the taxpayer to a fixed
8 place of business without the State shall be
9 presumed to have been properly assigned if:

10 (i) the taxpayer has assigned, in the
11 regular course of its business, such asset
12 or activity on its records to a fixed
13 place of business consistent with federal
14 or state regulatory requirements;

15 (ii) such assignment on its records is
16 based upon substantive contacts of the
17 asset or activity to such fixed place of
18 business; and

19 (iii) the taxpayer uses such records
20 reflecting assignment of such assets or
21 activities for the filing of all state and
22 local tax returns for which an assignment
23 of such assets or activities to a fixed
24 place of business is required.

25 (E) The presumption of proper assignment
26 of an investment or trading asset or activity

provided in subparagraph (D) of paragraph (2) of this subsection may be rebutted upon a showing by the Department, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such asset or activity did not occur at the fixed place of business to which it was assigned on the taxpayer's records. If the fixed place of business that has a preponderance of substantive contacts cannot be determined for an investment or trading asset or activity to which the presumption in subparagraph (D) of paragraph (2) of this subsection does not apply or with respect to which that presumption has been rebutted, that asset or activity is properly assigned to the state in which the taxpayer's commercial domicile is located. For purposes of this subparagraph (E), it shall be presumed, subject to rebuttal, that taxpayer's commercial domicile is in the state of the United States or the District of Columbia to which the greatest number of employees are regularly connected with the management of the investment or trading income or out of which they are working, irrespective of where the

1 services of such employees are performed, as
2 of the last day of the taxable year.

3 (ix) For tax years ending on or after December 31,
4 2024, receipts from investment assets and activities
5 and trading assets and activities are included in the
6 receipts factor as follows:

7 (1) Interest, dividends, net gains (but not
8 less than zero), and other income from investment
9 assets and activities from trading assets and
10 activities shall be included in the receipts
11 factor. Investment assets and activities and
12 trading assets and activities include, but are not
13 limited to the following: investment securities;
14 trading account assets; federal funds; securities
15 purchased and sold under agreements to resell or
16 repurchase; options; futures contracts; forward
17 contracts; notional principal contracts, such as
18 swaps; equities; and foreign currency
19 transactions. With respect to the investment and
20 trading assets and activities described in
21 subparagraphs (A) and (B) of this paragraph, the
22 receipts factor shall include the amounts
23 described in those subparagraphs.

24 (A) The receipts factor shall include the
25 amount by which interest from federal funds
26 sold and securities purchased under resale

1 agreements exceeds interest expense on federal
2 funds purchased and securities sold under
3 repurchase agreements.

4 (B) The receipts factor shall include the
5 amount by which interest, dividends, gains and
6 other income from trading assets and
7 activities, including, but not limited to,
8 assets and activities in the matched book, in
9 the arbitrage book, and foreign currency
10 transactions, exceed amounts paid in lieu of
11 interest, amounts paid in lieu of dividends,
12 and losses from such assets and activities.

13 (2) The numerator of the receipts factor
14 includes interest, dividends, net gains (but not
15 less than zero), and other income from investment
16 assets and activities and from trading assets and
17 activities described in paragraph (1) of this
18 subsection that are attributable to this State.

19 (A) The amount of interest, dividends, net
20 gains (but not less than zero), and other
21 income from investment assets and activities
22 in the investment account to be attributed to
23 this State and included in the numerator is
24 determined by multiplying all of the income
25 from those assets and activities by a
26 fraction, the numerator of which is the total

1 receipts included in the numerator pursuant to
2 items (i) through (vii) of this subparagraph
3 (3) and the denominator of which is all total
4 receipts included in the denominator, other
5 than interest, dividends, net gains (but not
6 less than zero), and other income from
7 investment assets and activities and trading
8 assets and activities.

9 (B) The amount of interest from federal
10 funds sold and purchased and from securities
11 purchased under resale agreements and
12 securities sold under repurchase agreements
13 attributable to this State and included in the
14 numerator is determined by multiplying the
15 amount described in subparagraph (A) of
16 paragraph (1) of this subsection from such
17 funds and such securities by a fraction, the
18 numerator of which is the total receipts
19 included in the numerator pursuant to items
20 (i) through (vii) of this subparagraph (3) and
21 the denominator of which is all total receipts
22 included in the denominator, other than
23 interest, dividends, net gains (but not less
24 than zero), and other income from investment
25 assets and activities and trading assets and
26 activities.

1 (C) The amount of interest, dividends,
2 gains, and other income from trading assets
3 and activities, including, but not limited to,
4 assets and activities in the matched book, in
5 the arbitrage book and foreign currency
6 transactions (but excluding amounts described
7 in subparagraphs (A) or (B) of this
8 paragraph), attributable to this State and
9 included in the numerator is determined by
10 multiplying the amount described in
11 subparagraph (B) of paragraph (1) of this
12 subsection by a fraction, the numerator of
13 which is the total receipts included in the
14 numerator pursuant to items (i) through (vii)
15 of this subparagraph (3) and the denominator
16 of which is all total receipts included in the
17 denominator, other than interest, dividends,
18 net gains (but not less than zero), and other
19 income from investment assets and activities
20 and trading assets and activities.

21 (4) (Blank).

22 (5) (Blank).

23 (c-1) Federally regulated exchanges. For taxable years
24 ending on or after December 31, 2012, business income of a
25 federally regulated exchange shall, at the option of the
26 federally regulated exchange, be apportioned to this State by

1 multiplying such income by a fraction, the numerator of which
2 is its business income from sources within this State, and the
3 denominator of which is its business income from all sources.
4 For purposes of this subsection, the business income within
5 this State of a federally regulated exchange is the sum of the
6 following:

7 (1) Receipts attributable to transactions executed on
8 a physical trading floor if that physical trading floor is
9 located in this State.

10 (2) Receipts attributable to all other matching,
11 execution, or clearing transactions, including without
12 limitation receipts from the provision of matching,
13 execution, or clearing services to another entity,
14 multiplied by (i) for taxable years ending on or after
15 December 31, 2012 but before December 31, 2013, 63.77%;
16 and (ii) for taxable years ending on or after December 31,
17 2013, 27.54%.

18 (3) All other receipts not governed by subparagraphs
19 (1) or (2) of this subsection (c-1), to the extent the
20 receipts would be characterized as "sales in this State"
21 under item (3) of subsection (a) of this Section.

22 "Federally regulated exchange" means (i) a "registered
23 entity" within the meaning of 7 U.S.C. Section 1a(40) (A), (B),
24 or (C), (ii) an "exchange" or "clearing agency" within the
25 meaning of 15 U.S.C. Section 78c (a) (1) or (23), (iii) any such
26 entities regulated under any successor regulatory structure to

1 the foregoing, and (iv) all taxpayers who are members of the
2 same unitary business group as a federally regulated exchange,
3 determined without regard to the prohibition in Section
4 1501(a)(27) of this Act against including in a unitary
5 business group taxpayers who are ordinarily required to
6 apportion business income under different subsections of this
7 Section; provided that this subparagraph (iv) shall apply only
8 if 50% or more of the business receipts of the unitary business
9 group determined by application of this subparagraph (iv) for
10 the taxable year are attributable to the matching, execution,
11 or clearing of transactions conducted by an entity described
12 in subparagraph (i), (ii), or (iii) of this paragraph.

13 In no event shall the Illinois apportionment percentage
14 computed in accordance with this subsection (c-1) for any
15 taxpayer for any tax year be less than the Illinois
16 apportionment percentage computed under this subsection (c-1)
17 for that taxpayer for the first full tax year ending on or
18 after December 31, 2013 for which this subsection (c-1)
19 applied to the taxpayer.

20 (d) Transportation services. For taxable years ending
21 before December 31, 2008, business income derived from
22 furnishing transportation services shall be apportioned to
23 this State in accordance with paragraphs (1) and (2):

24 (1) Such business income (other than that derived from
25 transportation by pipeline) shall be apportioned to this
26 State by multiplying such income by a fraction, the

1 numerator of which is the revenue miles of the person in
2 this State, and the denominator of which is the revenue
3 miles of the person everywhere. For purposes of this
4 paragraph, a revenue mile is the transportation of 1
5 passenger or 1 net ton of freight the distance of 1 mile
6 for a consideration. Where a person is engaged in the
7 transportation of both passengers and freight, the
8 fraction above referred to shall be determined by means of
9 an average of the passenger revenue mile fraction and the
10 freight revenue mile fraction, weighted to reflect the
11 person's

12 (A) relative railway operating income from total
13 passenger and total freight service, as reported to
14 the Interstate Commerce Commission, in the case of
15 transportation by railroad, and

16 (B) relative gross receipts from passenger and
17 freight transportation, in case of transportation
18 other than by railroad.

19 (2) Such business income derived from transportation
20 by pipeline shall be apportioned to this State by
21 multiplying such income by a fraction, the numerator of
22 which is the revenue miles of the person in this State, and
23 the denominator of which is the revenue miles of the
24 person everywhere. For the purposes of this paragraph, a
25 revenue mile is the transportation by pipeline of 1 barrel
26 of oil, 1,000 cubic feet of gas, or of any specified

1 quantity of any other substance, the distance of 1 mile
2 for a consideration.

3 (3) For taxable years ending on or after December 31,
4 2008, business income derived from providing
5 transportation services other than airline services shall
6 be apportioned to this State by using a fraction, (a) the
7 numerator of which shall be (i) all receipts from any
8 movement or shipment of people, goods, mail, oil, gas, or
9 any other substance (other than by airline) that both
10 originates and terminates in this State, plus (ii) that
11 portion of the person's gross receipts from movements or
12 shipments of people, goods, mail, oil, gas, or any other
13 substance (other than by airline) that originates in one
14 state or jurisdiction and terminates in another state or
15 jurisdiction, that is determined by the ratio that the
16 miles traveled in this State bears to total miles
17 everywhere and (b) the denominator of which shall be all
18 revenue derived from the movement or shipment of people,
19 goods, mail, oil, gas, or any other substance (other than
20 by airline). Where a taxpayer is engaged in the
21 transportation of both passengers and freight, the
22 fraction above referred to shall first be determined
23 separately for passenger miles and freight miles. Then an
24 average of the passenger miles fraction and the freight
25 miles fraction shall be weighted to reflect the
26 taxpayer's:

1 (A) relative railway operating income from total
2 passenger and total freight service, as reported to
3 the Surface Transportation Board, in the case of
4 transportation by railroad; and

5 (B) relative gross receipts from passenger and
6 freight transportation, in case of transportation
7 other than by railroad.

8 (4) For taxable years ending on or after December 31,
9 2008, business income derived from furnishing airline
10 transportation services shall be apportioned to this State
11 by multiplying such income by a fraction, the numerator of
12 which is the revenue miles of the person in this State, and
13 the denominator of which is the revenue miles of the
14 person everywhere. For purposes of this paragraph, a
15 revenue mile is the transportation of one passenger or one
16 net ton of freight the distance of one mile for a
17 consideration. If a person is engaged in the
18 transportation of both passengers and freight, the
19 fraction above referred to shall be determined by means of
20 an average of the passenger revenue mile fraction and the
21 freight revenue mile fraction, weighted to reflect the
22 person's relative gross receipts from passenger and
23 freight airline transportation.

24 (e) Combined apportionment. Where 2 or more persons are
25 engaged in a unitary business as described in subsection
26 (a) (27) of Section 1501, a part of which is conducted in this

1 State by one or more members of the group, the business income
2 attributable to this State by any such member or members shall
3 be apportioned by means of the combined apportionment method.

4 (f) Alternative allocation. If the allocation and
5 apportionment provisions of subsections (a) through (e) and of
6 subsection (h) do not, for taxable years ending before
7 December 31, 2008, fairly represent the extent of a person's
8 business activity in this State, or, for taxable years ending
9 on or after December 31, 2008, fairly represent the market for
10 the person's goods, services, or other sources of business
11 income, the person may petition for, or the Director may,
12 without a petition, permit or require, in respect of all or any
13 part of the person's business activity, if reasonable:

14 (1) Separate accounting;

15 (2) The exclusion of any one or more factors;

16 (3) The inclusion of one or more additional factors
17 which will fairly represent the person's business
18 activities or market in this State; or

19 (4) The employment of any other method to effectuate
20 an equitable allocation and apportionment of the person's
21 business income.

22 (g) Cross-reference ~~Cross-reference~~. For allocation of
23 business income by residents, see Section 301(a).

24 (h) For tax years ending on or after December 31, 1998, the
25 apportionment factor of persons who apportion their business
26 income to this State under subsection (a) shall be equal to:

1 (1) for tax years ending on or after December 31, 1998
2 and before December 31, 1999, 16 2/3% of the property
3 factor plus 16 2/3% of the payroll factor plus 66 2/3% of
4 the sales factor;

5 (2) for tax years ending on or after December 31, 1999
6 and before December 31, 2000, 8 1/3% of the property
7 factor plus 8 1/3% of the payroll factor plus 83 1/3% of
8 the sales factor;

9 (3) for tax years ending on or after December 31,
10 2000, the sales factor.

11 If, in any tax year ending on or after December 31, 1998 and
12 before December 31, 2000, the denominator of the payroll,
13 property, or sales factor is zero, the apportionment factor
14 computed in paragraph (1) or (2) of this subsection for that
15 year shall be divided by an amount equal to 100% minus the
16 percentage weight given to each factor whose denominator is
17 equal to zero.

18 (Source: P.A. 102-40, eff. 6-25-21; 102-558, eff. 8-20-21;
19 103-592, eff. 6-7-24; revised 10-16-24.)

20 (35 ILCS 5/704A)

21 Sec. 704A. Employer's return and payment of tax withheld.

22 (a) In general, every employer who deducts and withholds
23 or is required to deduct and withhold tax under this Act on or
24 after January 1, 2008 shall make those payments and returns as
25 provided in this Section.

1 (b) Returns. Every employer shall, in the form and manner
2 required by the Department, make returns with respect to taxes
3 withheld or required to be withheld under this Article 7 for
4 each quarter beginning on or after January 1, 2008, on or
5 before the last day of the first month following the close of
6 that quarter.

7 (c) Payments. With respect to amounts withheld or required
8 to be withheld on or after January 1, 2008:

9 (1) Semi-weekly payments. For each calendar year, each
10 employer who withheld or was required to withhold more
11 than \$12,000 during the one-year period ending on June 30
12 of the immediately preceding calendar year, payment must
13 be made:

14 (A) on or before each Friday of the calendar year,
15 for taxes withheld or required to be withheld on the
16 immediately preceding Saturday, Sunday, Monday, or
17 Tuesday;

18 (B) on or before each Wednesday of the calendar
19 year, for taxes withheld or required to be withheld on
20 the immediately preceding Wednesday, Thursday, or
21 Friday.

22 Beginning with calendar year 2011, payments made under
23 this paragraph (1) of subsection (c) must be made by
24 electronic funds transfer.

25 (2) Semi-weekly payments. Any employer who withholds
26 or is required to withhold more than \$12,000 in any

1 quarter of a calendar year is required to make payments on
2 the dates set forth under item (1) of this subsection (c)
3 for each remaining quarter of that calendar year and for
4 the subsequent calendar year.

5 (3) Monthly payments. Each employer, other than an
6 employer described in items (1) or (2) of this subsection,
7 shall pay to the Department, on or before the 15th day of
8 each month the taxes withheld or required to be withheld
9 during the immediately preceding month.

10 (4) Payments with returns. Each employer shall pay to
11 the Department, on or before the due date for each return
12 required to be filed under this Section, any tax withheld
13 or required to be withheld during the period for which the
14 return is due and not previously paid to the Department.

15 (d) Regulatory authority. The Department may, by rule:

16 (1) Permit employers, in lieu of the requirements of
17 subsections (b) and (c), to file annual returns due on or
18 before January 31 of the year for taxes withheld or
19 required to be withheld during the previous calendar year
20 and, if the aggregate amounts required to be withheld by
21 the employer under this Article 7 (other than amounts
22 required to be withheld under Section 709.5) do not exceed
23 \$1,000 for the previous calendar year, to pay the taxes
24 required to be shown on each such return no later than the
25 due date for such return.

26 (2) Provide that any payment required to be made under

1 subsection (c)(1) or (c)(2) is deemed to be timely to the
2 extent paid by electronic funds transfer on or before the
3 due date for deposit of federal income taxes withheld
4 from, or federal employment taxes due with respect to, the
5 wages from which the Illinois taxes were withheld.

6 (3) Designate one or more depositories to which
7 payment of taxes required to be withheld under this
8 Article 7 must be paid by some or all employers.

9 (4) Increase the threshold dollar amounts at which
10 employers are required to make semi-weekly payments under
11 subsection (c)(1) or (c)(2).

12 (e) Annual return and payment. Every employer who deducts
13 and withholds or is required to deduct and withhold tax from a
14 person engaged in domestic service employment, as that term is
15 defined in Section 3510 of the Internal Revenue Code, may
16 comply with the requirements of this Section with respect to
17 such employees by filing an annual return and paying the taxes
18 required to be deducted and withheld on or before the 15th day
19 of the fourth month following the close of the employer's
20 taxable year. The Department may allow the employer's return
21 to be submitted with the employer's individual income tax
22 return or to be submitted with a return due from the employer
23 under Section 1400.2 of the Unemployment Insurance Act.

24 (f) Magnetic media and electronic filing. With respect to
25 taxes withheld in calendar years prior to 2017, any W-2 Form
26 that, under the Internal Revenue Code and regulations

1 promulgated thereunder, is required to be submitted to the
2 Internal Revenue Service on magnetic media or electronically
3 must also be submitted to the Department on magnetic media or
4 electronically for Illinois purposes, if required by the
5 Department.

6 With respect to taxes withheld in 2017 and subsequent
7 calendar years, the Department may, by rule, require that any
8 return (including any amended return) under this Section and
9 any W-2 Form that is required to be submitted to the Department
10 must be submitted on magnetic media or electronically.

11 The due date for submitting W-2 Forms shall be as
12 prescribed by the Department by rule.

13 (g) For amounts deducted or withheld after December 31,
14 2009, a taxpayer who makes an election under subsection (f) of
15 Section 5-15 of the Economic Development for a Growing Economy
16 Tax Credit Act for a taxable year shall be allowed a credit
17 against payments due under this Section for amounts withheld
18 during the first calendar year beginning after the end of that
19 taxable year equal to the amount of the credit for the
20 incremental income tax attributable to full-time employees of
21 the taxpayer awarded to the taxpayer by the Department of
22 Commerce and Economic Opportunity under the Economic
23 Development for a Growing Economy Tax Credit Act for the
24 taxable year and credits not previously claimed and allowed to
25 be carried forward under Section 211(4) of this Act as
26 provided in subsection (f) of Section 5-15 of the Economic

1 Development for a Growing Economy Tax Credit Act. The credit
2 or credits may not reduce the taxpayer's obligation for any
3 payment due under this Section to less than zero. If the amount
4 of the credit or credits exceeds the total payments due under
5 this Section with respect to amounts withheld during the
6 calendar year, the excess may be carried forward and applied
7 against the taxpayer's liability under this Section in the
8 succeeding calendar years as allowed to be carried forward
9 under paragraph (4) of Section 211 of this Act. The credit or
10 credits shall be applied to the earliest year for which there
11 is a tax liability. If there are credits from more than one
12 taxable year that are available to offset a liability, the
13 earlier credit shall be applied first. Each employer who
14 deducts and withholds or is required to deduct and withhold
15 tax under this Act and who retains income tax withholdings
16 under subsection (f) of Section 5-15 of the Economic
17 Development for a Growing Economy Tax Credit Act must make a
18 return with respect to such taxes and retained amounts in the
19 form and manner that the Department, by rule, requires and pay
20 to the Department or to a depository designated by the
21 Department those withheld taxes not retained by the taxpayer.
22 For purposes of this subsection (g), the term taxpayer shall
23 include taxpayer and members of the taxpayer's unitary
24 business group as defined under paragraph (27) of subsection
25 (a) of Section 1501 of this Act. This Section is exempt from
26 the provisions of Section 250 of this Act. No credit awarded

1 under the Economic Development for a Growing Economy Tax
2 Credit Act for agreements entered into on or after January 1,
3 2015 may be credited against payments due under this Section.

4 (g-1) For amounts deducted or withheld after December 31,
5 2024, a taxpayer who makes an election under the Reimagining
6 Energy and Vehicles in Illinois Act shall be allowed a credit
7 against payments due under this Section for amounts withheld
8 during the first quarterly reporting period beginning after
9 the certificate is issued equal to the portion of the REV
10 Illinois Credit attributable to the incremental income tax
11 attributable to new employees and retained employees as
12 certified by the Department of Commerce and Economic
13 Opportunity pursuant to an agreement with the taxpayer under
14 the Reimagining Energy and Vehicles in Illinois Act for the
15 taxable year. The credit or credits may not reduce the
16 taxpayer's obligation for any payment due under this Section
17 to less than zero. If the amount of the credit or credits
18 exceeds the total payments due under this Section with respect
19 to amounts withheld during the quarterly reporting period, the
20 excess may be carried forward and applied against the
21 taxpayer's liability under this Section in the succeeding
22 quarterly reporting period as allowed to be carried forward
23 under paragraph (4) of Section 211 of this Act. The credit or
24 credits shall be applied to the earliest quarterly reporting
25 period for which there is a tax liability. If there are credits
26 from more than one quarterly reporting period that are

1 available to offset a liability, the earlier credit shall be
2 applied first. Each employer who deducts and withholds or is
3 required to deduct and withhold tax under this Act and who
4 retains income tax withholdings this subsection must make a
5 return with respect to such taxes and retained amounts in the
6 form and manner that the Department, by rule, requires and pay
7 to the Department or to a depository designated by the
8 Department those withheld taxes not retained by the taxpayer.
9 For purposes of this subsection (g-1), the term taxpayer shall
10 include taxpayer and members of the taxpayer's unitary
11 business group as defined under paragraph (27) of subsection
12 (a) of Section 1501 of this Act. This Section is exempt from
13 the provisions of Section 250 of this Act.

14 (g-2) For amounts deducted or withheld after December 31,
15 2024, a taxpayer who makes an election under the Manufacturing
16 Illinois Chips for Real Opportunity (MICRO) Act shall be
17 allowed a credit against payments due under this Section for
18 amounts withheld during the first quarterly reporting period
19 beginning after the certificate is issued equal to the portion
20 of the MICRO Illinois Credit attributable to the incremental
21 income tax attributable to new employees and retained
22 employees as certified by the Department of Commerce and
23 Economic Opportunity pursuant to an agreement with the
24 taxpayer under the Manufacturing Illinois Chips for Real
25 Opportunity (MICRO) Act for the taxable year. The credit or
26 credits may not reduce the taxpayer's obligation for any

1 payment due under this Section to less than zero. If the amount
2 of the credit or credits exceeds the total payments due under
3 this Section with respect to amounts withheld during the
4 quarterly reporting period, the excess may be carried forward
5 and applied against the taxpayer's liability under this
6 Section in the succeeding quarterly reporting period as
7 allowed to be carried forward under paragraph (4) of Section
8 211 of this Act. The credit or credits shall be applied to the
9 earliest quarterly reporting period for which there is a tax
10 liability. If there are credits from more than one quarterly
11 reporting period that are available to offset a liability, the
12 earlier credit shall be applied first. Each employer who
13 deducts and withholds or is required to deduct and withhold
14 tax under this Act and who retains income tax withholdings
15 this subsection must make a return with respect to such taxes
16 and retained amounts in the form and manner that the
17 Department, by rule, requires and pay to the Department or to a
18 depository designated by the Department those withheld taxes
19 not retained by the taxpayer. For purposes of this subsection,
20 the term taxpayer shall include taxpayer and members of the
21 taxpayer's unitary business group as defined under paragraph
22 (27) of subsection (a) of Section 1501 of this Act. This
23 Section is exempt from the provisions of Section 250 of this
24 Act.

25 (h) An employer may claim a credit against payments due
26 under this Section for amounts withheld during the first

1 calendar year ending after the date on which a tax credit
2 certificate was issued under Section 35 of the Small Business
3 Job Creation Tax Credit Act. The credit shall be equal to the
4 amount shown on the certificate, but may not reduce the
5 taxpayer's obligation for any payment due under this Section
6 to less than zero. If the amount of the credit exceeds the
7 total payments due under this Section with respect to amounts
8 withheld during the calendar year, the excess may be carried
9 forward and applied against the taxpayer's liability under
10 this Section in the 5 succeeding calendar years. The credit
11 shall be applied to the earliest year for which there is a tax
12 liability. If there are credits from more than one calendar
13 year that are available to offset a liability, the earlier
14 credit shall be applied first. This Section is exempt from the
15 provisions of Section 250 of this Act.

16 (i) Each employer with 50 or fewer full-time equivalent
17 employees during the reporting period may claim a credit
18 against the payments due under this Section for each qualified
19 employee in an amount equal to the maximum credit allowable.
20 The credit may be taken against payments due for reporting
21 periods that begin on or after January 1, 2020, and end on or
22 before December 31, 2027. An employer may not claim a credit
23 for an employee who has worked fewer than 90 consecutive days
24 immediately preceding the reporting period; however, such
25 credits may accrue during that 90-day period and be claimed
26 against payments under this Section for future reporting

1 periods after the employee has worked for the employer at
2 least 90 consecutive days. In no event may the credit exceed
3 the employer's liability for the reporting period. Each
4 employer who deducts and withholds or is required to deduct
5 and withhold tax under this Act and who retains income tax
6 withholdings under this subsection must make a return with
7 respect to such taxes and retained amounts in the form and
8 manner that the Department, by rule, requires and pay to the
9 Department or to a depository designated by the Department
10 those withheld taxes not retained by the employer.

11 For each reporting period, the employer may not claim a
12 credit or credits for more employees than the number of
13 employees making less than the minimum or reduced wage for the
14 current calendar year during the last reporting period of the
15 preceding calendar year. Notwithstanding any other provision
16 of this subsection, an employer shall not be eligible for
17 credits for a reporting period unless the average wage paid by
18 the employer per employee for all employees making less than
19 \$55,000 during the reporting period is greater than the
20 average wage paid by the employer per employee for all
21 employees making less than \$55,000 during the same reporting
22 period of the prior calendar year.

23 For purposes of this subsection (i):

24 "Compensation paid in Illinois" has the meaning ascribed
25 to that term under Section 304(a)(2)(B) of this Act.

26 "Employer" and "employee" have the meaning ascribed to

1 those terms in the Minimum Wage Law, except that "employee"
2 also includes employees who work for an employer with fewer
3 than 4 employees. Employers that operate more than one
4 establishment pursuant to a franchise agreement or that
5 constitute members of a unitary business group shall aggregate
6 their employees for purposes of determining eligibility for
7 the credit.

8 "Full-time equivalent employees" means the ratio of the
9 number of paid hours during the reporting period and the
10 number of working hours in that period.

11 "Maximum credit" means the percentage listed below of the
12 difference between the amount of compensation paid in Illinois
13 to employees who are paid not more than the required minimum
14 wage reduced by the amount of compensation paid in Illinois to
15 employees who were paid less than the current required minimum
16 wage during the reporting period prior to each increase in the
17 required minimum wage on January 1. If an employer pays an
18 employee more than the required minimum wage and that employee
19 previously earned less than the required minimum wage, the
20 employer may include the portion that does not exceed the
21 required minimum wage as compensation paid in Illinois to
22 employees who are paid not more than the required minimum
23 wage.

24 (1) 25% for reporting periods beginning on or after
25 January 1, 2020 and ending on or before December 31, 2020;

26 (2) 21% for reporting periods beginning on or after

1 January 1, 2021 and ending on or before December 31, 2021;

2 (3) 17% for reporting periods beginning on or after
3 January 1, 2022 and ending on or before December 31, 2022;

4 (4) 13% for reporting periods beginning on or after
5 January 1, 2023 and ending on or before December 31, 2023;

6 (5) 9% for reporting periods beginning on or after
7 January 1, 2024 and ending on or before December 31, 2024;

8 (6) 5% for reporting periods beginning on or after
9 January 1, 2025 and ending on or before December 31, 2025.

10 The amount computed under this subsection may continue to
11 be claimed for reporting periods beginning on or after January
12 1, 2026 and:

13 (A) ending on or before December 31, 2026 for
14 employers with more than 5 employees; or

15 (B) ending on or before December 31, 2027 for
16 employers with no more than 5 employees.

17 "Qualified employee" means an employee who is paid not
18 more than the required minimum wage and has an average wage
19 paid per hour by the employer during the reporting period
20 equal to or greater than his or her average wage paid per hour
21 by the employer during each reporting period for the
22 immediately preceding 12 months. A new qualified employee is
23 deemed to have earned the required minimum wage in the
24 preceding reporting period.

25 "Reporting period" means the quarter for which a return is
26 required to be filed under subsection (b) of this Section.

(j) For reporting periods beginning on or after January 1, 2023, if a private employer grants all of its employees the option of taking a paid leave of absence of at least 30 days for the purpose of serving as an organ donor or bone marrow donor, then the private employer may take a credit against the payments due under this Section in an amount equal to the amount withheld under this Section with respect to wages paid while the employee is on organ donation leave, not to exceed \$1,000 in withholdings for each employee who takes organ donation leave. To be eligible for the credit, such a leave of absence must be taken without loss of pay, vacation time, compensatory time, personal days, or sick time for at least the first 30 days of the leave of absence. The private employer shall adopt rules governing organ donation leave, including rules that (i) establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the private employer. A private employer must provide, in the manner required by the Department, documentation from the employee's medical provider, which the private employer receives from the employee, that verifies the employee's organ donation. The private employer must also provide, in the manner required by the Department, documentation that shows that a qualifying organ donor leave policy was in place and offered to all qualifying employees at the time the leave was taken. For the

1 private employer to receive the tax credit, the employee
2 taking organ donor leave must allow for the applicable medical
3 records to be disclosed to the Department. If the private
4 employer cannot provide the required documentation to the
5 Department, then the private employer is ineligible for the
6 credit under this Section. A private employer must also
7 provide, in the form required by the Department, any
8 additional documentation or information required by the
9 Department to administer the credit under this Section. The
10 credit under this subsection (j) shall be taken within one
11 year after the date upon which the organ donation leave
12 begins. If the leave taken spans into a second tax year, the
13 employer qualifies for the allowable credit in the later of
14 the 2 years. If the amount of credit exceeds the tax liability
15 for the year, the excess may be carried and applied to the tax
16 liability for the 3 taxable years following the excess credit
17 year. The tax credit shall be applied to the earliest year for
18 which there is a tax liability. If there are credits for more
19 than one year that are available to offset liability, the
20 earlier credit shall be applied first.

21 Nothing in this subsection (j) prohibits a private
22 employer from providing an unpaid leave of absence to its
23 employees for the purpose of serving as an organ donor or bone
24 marrow donor; however, if the employer's policy provides for
25 fewer than 30 days of paid leave for organ or bone marrow
26 donation, then the employer shall not be eligible for the

1 credit under this Section.

2 As used in this subsection (j):

3 "Organ" means any biological tissue of the human body that
4 may be donated by a living donor, including, but not limited
5 to, the kidney, liver, lung, pancreas, intestine, bone, skin,
6 or any subpart of those organs.

7 "Organ donor" means a person from whose body an organ is
8 taken to be transferred to the body of another person.

9 "Private employer" means a sole proprietorship,
10 corporation, partnership, limited liability company, or other
11 entity with one or more employees. "Private employer" does not
12 include a municipality, county, State agency, or other public
13 employer.

14 This subsection (j) is exempt from the provisions of
15 Section 250 of this Act.

16 (k) For reporting periods beginning on or after January 1,
17 2025 and before January 1, 2027, an employer may claim a credit
18 against payments due under this Section for amounts withheld
19 during the first reporting period to occur after the date on
20 which a tax credit certificate is issued for a non-profit
21 theater production under Section 10 of the Live Theater
22 Production Tax Credit Act. The credit shall be equal to the
23 amount shown on the certificate, but may not reduce the
24 taxpayer's obligation for any payment due under this Article
25 to less than zero. If the amount of the credit exceeds the
26 total amount due under this Article with respect to amounts

1 withheld during the first reporting period to occur after the
2 date on which a tax credit certificate is issued, the excess
3 may be carried forward and applied against the taxpayer's
4 liability under this Section for reporting periods that occur
5 in the 5 succeeding calendar years. The excess credit shall be
6 applied to the earliest reporting period for which there is a
7 payment due under this Article. If there are credits from more
8 than one reporting period that are available to offset a
9 liability, the earlier credit shall be applied first. The
10 Department of Revenue, in cooperation with the Department of
11 Commerce and Economic Opportunity, shall adopt rules to
12 enforce and administer the provisions of this subsection.

13 (1) ~~(*)~~ A taxpayer who is issued a certificate under the
14 Local Journalism Sustainability Act for a taxable year shall
15 be allowed a credit against payments due under this Section as
16 provided in that Act.

17 (Source: P.A. 102-669, eff. 11-16-21; 102-700, Article 30,
18 Section 30-5, eff. 4-19-22; 102-700, Article 110, Section
19 110-905, eff. 4-19-22; 102-1125, eff. 2-3-23; 103-592, Article
20 40, Section 40-900, eff. 6-7-24; 103-592, Article 45, Section
21 45-10, eff. 6-7-24; revised 7-9-24.)

22 Section 265. The Economic Development for a Growing
23 Economy Tax Credit Act is amended by changing Section 5-56 as
24 follows:

1 (35 ILCS 10/5-56)

2 Sec. 5-56. Annual report. Annually, until construction is
3 completed, a company seeking New Construction EDGE Credits
4 shall submit a report that, at a minimum, describes the
5 projected project scope, timeline, and anticipated budget.
6 Once the project has commenced, the annual report shall
7 include actual data for the prior year as well as projections
8 for each additional year through completion of the project.
9 The Department shall issue detailed reporting guidelines
10 prescribing the requirements of construction-related
11 ~~construction-related~~ reports. In order to receive credit for
12 construction expenses, the company must provide the Department
13 with evidence that a certified third-party executed an
14 Agreed-Upon Procedure (AUP) verifying the construction
15 expenses or accept the standard construction wage expense
16 estimated by the Department.

17 Upon review of the final project scope, timeline, budget,
18 and AUP, the Department shall issue a tax credit certificate
19 reflecting a percentage of the total construction job wages
20 paid throughout the completion of the project.

21 Upon 7 business days' notice, the taxpayer shall make
22 available for inspection and copying at a location within this
23 State during reasonable hours, the records identified in
24 paragraph (1) of this Section to the taxpayer in charge of the
25 project, its officers and agents, and to federal, State, or
26 local law enforcement agencies and prosecutors.

(Source: P.A. 102-558, eff. 8-20-21; 103-595, eff. 6-26-24;
revised 10-23-24.)

Section 270. The Local Journalism Sustainability Act is
amended by changing Sections 40-1 and 40-5 as follows:

(35 ILCS 18/40-1)

Sec. 40-1. Short title. This Article ~~Act~~ may be cited as
the Local Journalism Sustainability Act. References in this
Article to "this Act" mean this Article.

(Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

(35 ILCS 18/40-5)

Sec. 40-5. Definitions. As used in this Act:

"Award cycle" means the 4 reporting periods for which the
employer is awarded a credit under Section 40-10.

"Comparable rate" has the meaning given to that term by
the Federal Communications Commission in its campaign
advertising rate rules.

"Department" means the Department of Commerce and Economic
Opportunity.

"Independently owned" means, as applied to a local news
organization, that:

(1) the local news organization is not a publicly
traded entity and no more than 5% of the beneficial
ownership of the local news organization is owned,

1 directly or indirectly, by a publicly traded entity; and

2 (2) the local news organization is not a subsidiary.

3 "Local news organization" means an entity that:

4 (1) engages professionals to create, edit, produce,
5 and distribute original content concerning matters of
6 public interest through reporting activities, including
7 conducting interviews, observing current events, or
8 analyzing documents or other information;

9 (2) has at least one employee who meets all of the
10 following criteria:

11 (A) the employee is employed by the entity on a
12 full-time basis for at least 30 hours a week;

13 (B) the employee's job duties for the entity
14 consist primarily of providing coverage of Illinois or
15 local Illinois community news as described in
16 paragraph (C);

17 (C) the employee gathers, prepares, collects,
18 photographs, writes, edits, reports, or publishes
19 original local or State community news for
20 dissemination to the local or State community; and

21 (D) the employee lives within 50 miles of the
22 coverage area;

23 (3) in the case of a print publication, has published
24 at least one print publication per month over the previous
25 12 months and either (i) holds a valid United States
26 Postal Service periodical permit or (ii) has at least 25%

1 of its content dedicated to local news;

2 (4) in the case of a digital-only entity, has
3 published one piece about the community per week over the
4 previous 12 months and has at least 33% of its digital
5 audience in Illinois, averaged over a 12-month period;

6 (5) in the case of a hybrid entity that has both print
7 and digital outlets, meets the requirements in either
8 paragraph (3) or (4) of this definition;

9 (6) has disclosed in its print publication or on its
10 website its beneficial ownership or, in the case of a
11 not-for-profit entity, its board of directors;

12 (7) in the case of an entity that maintains tax status
13 under Section 501(c)(3) of the federal Internal Revenue
14 Code, has declared the coverage of local or State news as
15 the stated mission in its filings with the Internal
16 Revenue Service;

17 (8) has not received any payments of more than 50% of
18 its gross receipts for the previous year from political
19 action committees or other entities described in Section
20 527 of the federal Internal Revenue Code or from an
21 organization that maintains Section 501(c)(4) or 501(c)(6)
22 status under the federal Internal Revenue Code, unless
23 those payments are for political advertising during the
24 lowest unit windows and using comparable rates; and

25 (9) has not received more than 30% of its revenue from
26 the previous taxable year from political advertisements

1 during lowest unit windows.

2 "Local news organization" does not include an organization
3 that received more than \$100,000 from organizations described
4 in paragraph (8) during the taxable year or any preceding
5 taxable year.

6 "Lowest unit window" has the meaning given to that term by
7 the Federal Communications Commission in its campaign
8 advertising rate rules.

9 "New journalism position" means an employment position
10 that results in a net increase in qualified journalists
11 employed by the local news organization from January 1 of the
12 preceding calendar year compared to January 1 of the calendar
13 year in which a credit under this Act is sought.

14 "Private fund" means a corporation that:

15 (1) would be considered an investment company under
16 Section 3 of the Investment Company Act of 1940, 15 U.S.C.
17 80a-3, but for the application of paragraph (1) or (7) of
18 subsection (c) of that Section;

19 (2) is not a venture capital fund, as defined in
20 Section 275.203(1)-1 of Title 17 of the Code of Federal
21 Regulations, as in effect on the effective date of this
22 Act; and

23 (3) is not an institution selected under Section 107
24 of the federal Community Development Banking and Financial
25 Institutions Act of 1994.

26 "Qualified journalist" means a person who:

1 (1) is employed for an average of at least 30 hours per
2 week; and

3 (2) is responsible for gathering, developing,
4 preparing, directing the recording of, producing,
5 collecting, photographing, recording, writing, editing,
6 reporting, designing, presenting, distributing, or
7 publishing original news or information that concerns
8 local matters of public interest.

9 "Reporting period" means the quarter for which a return is
10 required to be filed under Article 7 of the Illinois Income Tax
11 Act.

12 (Source: P.A. 103-592, eff. 6-7-24; revised 10-24-24.)

13 Section 275. The Music and Musicians Tax Credit and Jobs
14 Act is amended by changing Section 50-1 as follows:

15 (35 ILCS 19/50-1)

16 Sec. 50-1. Short title. This Article ~~Act~~ may be cited as
17 the Music and Musicians Tax Credit and Jobs Act. References in
18 this Article to "this Act" mean this Article.

19 (Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

20 Section 280. The Manufacturing Illinois Chips for Real
21 Opportunity (MICRO) Act is amended by changing Section 110-20
22 as follows:

1 (35 ILCS 45/110-20)

2 Sec. 110-20. Manufacturing Illinois Chips for Real
3 Opportunity (MICRO) Program; project applications.

4 (a) The Manufacturing Illinois Chips for Real Opportunity
5 (MICRO) Program is hereby established and shall be
6 administered by the Department. The Program will provide
7 financial incentives to eligible semiconductor manufacturers,
8 microchip manufacturers, quantum computer manufacturers, and
9 companies that primarily engage in research and development in
10 the manufacturing of quantum computers, semiconductors, or
11 microchips. For the purposes of this Section, a company is
12 primarily engaged in research and development in the
13 manufacturing of quantum computers, semiconductors, or
14 microchips if at least 50% of its business activities involve
15 research and development in the manufacturing of quantum
16 computers, semiconductors, or microchips.➤

17 (b) Any taxpayer planning a project to be located in
18 Illinois may request consideration for designation of its
19 project as a MICRO project, by formal written letter of
20 request or by formal application to the Department, in which
21 the applicant states its intent to make at least a specified
22 level of investment and intends to hire a specified number of
23 full-time employees at a designated location in Illinois. As
24 circumstances require, the Department shall require a formal
25 application from an applicant and a formal letter of request
26 for assistance.

1 (c) In order to qualify for credits under the Program
2 ~~program~~, an applicant must:

3 (1) for a semiconductor manufacturer, a microchip
4 manufacturer, a quantum computer manufacturer, or a
5 company focusing on research and development in the
6 manufacturing of quantum computers, semiconductors, or
7 microchips:

8 (A) make an investment of at least \$1,500,000,000
9 in capital improvements at the project site;

10 (B) to be placed in service within the State
11 within a 60-month period after approval of the
12 application; and

13 (C) create at least 500 new full-time employee
14 jobs; or

15 (2) for a semiconductor component parts manufacturer,
16 a microchip component parts manufacturer, a quantum
17 computer component parts manufacturer, or a company
18 focusing on research and development in the manufacture of
19 component parts for quantum computers, semiconductors, or
20 microchips:

21 (A) make an investment of at least \$300,000,000 in
22 capital improvements at the project site;

23 (B) manufacture one or more parts that are
24 primarily used for the manufacture of semiconductors
25 or microchips;

26 (C) to be placed in service within the State

1 within a 60-month period after approval of the
2 application; and

3 (D) create at least 150 new full-time employee
4 jobs; or

5 (3) for a semiconductor manufacturer, a microchip
6 manufacturer, a quantum computer manufacturer, a company
7 focusing on research and development in the manufacturing
8 of quantum computers, semiconductors, or microchips, or a
9 semiconductor or microchip component parts manufacturer
10 that does not qualify ~~quality~~ under paragraph (2) above:

11 (A) make an investment of at least \$2,500,000 in
12 capital improvements at the project site;

13 (B) to be placed in service within the State
14 within a 48-month period after approval of the
15 application; and

16 (C) create at least 50 new full-time employee jobs
17 or new full-time employees equivalent to 10% of the
18 number of full-time employees employed by the
19 applicant world-wide on the date the application is
20 filed with the Department; or

21 (4) for a semiconductor manufacturer, quantum computer
22 manufacturer, microchip manufacturer, or semiconductor or
23 microchip component parts manufacturer with existing
24 operations in Illinois that intends to convert or expand,
25 in whole or in part, the existing facility from
26 traditional manufacturing to semiconductor manufacturing,

1 quantum computer manufacturing, or microchip manufacturing
2 or semiconductor, quantum computer, or microchip component
3 parts manufacturing, or a company focusing on research and
4 development in the manufacturing of quantum computers,
5 semiconductors, or microchips:

6 (A) make an investment of at least \$100,000,000 in
7 capital improvements at the project site;

8 (B) to be placed in service within the State
9 within a 60-month period after approval of the
10 application; and

11 (C) create the lesser of 75 new full-time employee
12 jobs or new full-time employee jobs equivalent to 10%
13 of the Statewide baseline applicable to the taxpayer
14 and any related member at the time of application.

15 (d) For any applicant creating the full-time employee jobs
16 noted in subsection (c), those jobs must have a total
17 compensation equal to or greater than 120% of the average wage
18 paid to full-time employees in the county where the project is
19 located, as determined by the Department.

20 (e) Each applicant must outline its hiring plan and
21 commitment to recruit and hire full-time employee positions at
22 the project site. The hiring plan may include a partnership
23 with an institution of higher education to provide
24 internships, including, but not limited to, internships
25 supported by the Clean Jobs Workforce Network Program, or
26 full-time permanent employment for students at the project

1 site. Additionally, the applicant may create or utilize
2 participants from apprenticeship programs that are approved by
3 and registered with the United States Department of Labor's
4 Bureau of Apprenticeship and Training. The applicant ~~Applicant~~
5 may apply for apprenticeship education expense credits in
6 accordance with the provisions set forth in 14 Ill. Adm.
7 ~~Admin.~~ Code 522. Each applicant is required to report
8 annually, on or before April 15, on the diversity of its
9 workforce in accordance with Section 110-50 of this Act. For
10 existing facilities of applicants under paragraph (3) of
11 subsection (b) above, if the taxpayer expects a reduction in
12 force due to its transition to manufacturing semiconductors,
13 microchips, or semiconductor or microchip component parts, the
14 plan submitted under this Section must outline the taxpayer's
15 plan to assist with retraining its workforce aligned with the
16 taxpayer's adoption of new technologies and anticipated
17 efforts to retrain employees through employment opportunities
18 within the taxpayer's workforce.

19 (f) A taxpayer may not enter into more than one agreement
20 under this Act with respect to a single address or location for
21 the same period of time. Also, a taxpayer may not enter into an
22 agreement under this Act with respect to a single address or
23 location for the same period of time for which the taxpayer
24 currently holds an active agreement under the Economic
25 Development for a Growing Economy Tax Credit Act. This
26 provision does not preclude the applicant from entering into

1 an additional agreement after the expiration or voluntary
2 termination of an earlier agreement under this Act or under
3 the Economic Development for a Growing Economy Tax Credit Act
4 to the extent that the taxpayer's application otherwise
5 satisfies the terms and conditions of this Act and is approved
6 by the Department. An applicant with an existing agreement
7 under the Economic Development for a Growing Economy Tax
8 Credit Act may submit an application for an agreement under
9 this Act after it terminates any existing agreement under the
10 Economic Development for a Growing Economy Tax Credit Act with
11 respect to the same address or location.

12 (Source: P.A. 102-700, eff. 4-19-22; 102-1125, eff. 2-3-23;
13 103-595, eff. 6-26-24; revised 10-21-24.)

14 Section 285. The Illinois Gives Tax Credit Act is amended
15 by changing Section 170-1 as follows:

16 (35 ILCS 60/170-1)

17 Sec. 170-1. Short title. This Article ~~Act~~ may be cited as
18 the Illinois Gives Tax Credit Act. References in this Article
19 to "this Act" mean this Article.

20 (Source: P.A. 103-592, eff. 6-7-24; revised 10-21-24.)

21 Section 290. The Use Tax Act is amended by changing
22 Sections 2, 3-5, and 3-10 as follows:

1 (35 ILCS 105/2) (from Ch. 120, par. 439.2)

2 Sec. 2. Definitions. As used in this Act:

3 "Use" means the exercise by any person of any right or
4 power over tangible personal property incident to the
5 ownership of that property, or, on and after January 1, 2025,
6 incident to the possession or control of, the right to possess
7 or control, or a license to use that property through a lease,
8 except that it does not include the sale of such property in
9 any form as tangible personal property in the regular course
10 of business to the extent that such property is not first
11 subjected to a use for which it was purchased, and does not
12 include the use of such property by its owner for
13 demonstration purposes: Provided that the property purchased
14 is deemed to be purchased for the purpose of resale, despite
15 first being used, to the extent to which it is resold as an
16 ingredient of an intentionally produced product or by-product
17 of manufacturing. "Use" does not mean the demonstration use or
18 interim use of tangible personal property by a retailer before
19 he sells that tangible personal property. On and after January
20 1, 2025, the lease of tangible personal property to a lessee by
21 a retailer who is subject to tax on lease receipts under Public
22 Act 103-592 ~~this amendatory Act of the 103rd General Assembly~~
23 does not qualify as demonstration use or interim use of that
24 property. For watercraft or aircraft, if the period of
25 demonstration use or interim use by the retailer exceeds 18
26 months, the retailer shall pay on the retailers' original cost

1 price the tax imposed by this Act, and no credit for that tax
2 is permitted if the watercraft or aircraft is subsequently
3 sold by the retailer. "Use" does not mean the physical
4 incorporation of tangible personal property, to the extent not
5 first subjected to a use for which it was purchased, as an
6 ingredient or constituent, into other tangible personal
7 property (a) which is sold in the regular course of business or
8 (b) which the person incorporating such ingredient or
9 constituent therein has undertaken at the time of such
10 purchase to cause to be transported in interstate commerce to
11 destinations outside the State of Illinois: Provided that the
12 property purchased is deemed to be purchased for the purpose
13 of resale, despite first being used, to the extent to which it
14 is resold as an ingredient of an intentionally produced
15 product or by-product of manufacturing.

16 "Lease" means a transfer of the possession or control of,
17 the right to possess or control, or a license to use, but not
18 title to, tangible personal property for a fixed or
19 indeterminate term for consideration, regardless of the name
20 by which the transaction is called. "Lease" does not include a
21 lease entered into merely as a security agreement that does
22 not involve a transfer of possession or control from the
23 lessor to the lessee.

24 On and after January 1, 2025, the term "sale", when used in
25 this Act, includes a lease.

26 "Watercraft" means a Class 2, Class 3, or Class 4

1 watercraft as defined in Section 3-2 of the Boat Registration
2 and Safety Act, a personal watercraft, or any boat equipped
3 with an inboard motor.

4 "Purchase at retail" means the acquisition of the
5 ownership of, the title to, the possession or control of, the
6 right to possess or control, or a license to use, tangible
7 personal property through a sale at retail.

8 "Purchaser" means anyone who, through a sale at retail,
9 acquires the ownership of, the title to, the possession or
10 control of, the right to possess or control, or a license to
11 use, tangible personal property for a valuable consideration.

12 "Sale at retail" means any transfer of the ownership of or
13 title to tangible personal property to a purchaser, for the
14 purpose of use, and not for the purpose of resale in any form
15 as tangible personal property to the extent not first
16 subjected to a use for which it was purchased, for a valuable
17 consideration: Provided that the property purchased is deemed
18 to be purchased for the purpose of resale, despite first being
19 used, to the extent to which it is resold as an ingredient of
20 an intentionally produced product or by-product of
21 manufacturing. For this purpose, slag produced as an incident
22 to manufacturing pig iron or steel and sold is considered to be
23 an intentionally produced by-product of manufacturing. "Sale
24 at retail" includes any such transfer made for resale unless
25 made in compliance with Section 2c of the Retailers'
26 Occupation Tax Act, as incorporated by reference into Section

1 12 of this Act. Transactions whereby the possession of the
2 property is transferred but the seller retains the title as
3 security for payment of the selling price are sales.

4 "Sale at retail" shall also be construed to include any
5 Illinois florist's sales transaction in which the purchase
6 order is received in Illinois by a florist and the sale is for
7 use or consumption, but the Illinois florist has a florist in
8 another state deliver the property to the purchaser or the
9 purchaser's donee in such other state.

10 Nonreusable tangible personal property that is used by
11 persons engaged in the business of operating a restaurant,
12 cafeteria, or drive-in is a sale for resale when it is
13 transferred to customers in the ordinary course of business as
14 part of the sale of food or beverages and is used to deliver,
15 package, or consume food or beverages, regardless of where
16 consumption of the food or beverages occurs. Examples of those
17 items include, but are not limited to nonreusable, paper and
18 plastic cups, plates, baskets, boxes, sleeves, buckets or
19 other containers, utensils, straws, placemats, napkins, doggie
20 bags, and wrapping or packaging materials that are transferred
21 to customers as part of the sale of food or beverages in the
22 ordinary course of business.

23 The purchase, employment, and transfer of such tangible
24 personal property as newsprint and ink for the primary purpose
25 of conveying news (with or without other information) is not a
26 purchase, use, or sale of tangible personal property.

1 "Selling price" means the consideration for a sale valued
2 in money whether received in money or otherwise, including
3 cash, credits, property other than as hereinafter provided,
4 and services, but, prior to January 1, 2020 and beginning
5 again on January 1, 2022, not including the value of or credit
6 given for traded-in tangible personal property where the item
7 that is traded-in is of like kind and character as that which
8 is being sold; beginning January 1, 2020 and until January 1,
9 2022, "selling price" includes the portion of the value of or
10 credit given for traded-in motor vehicles of the First
11 Division as defined in Section 1-146 of the Illinois Vehicle
12 Code of like kind and character as that which is being sold
13 that exceeds \$10,000. "Selling price" shall be determined
14 without any deduction on account of the cost of the property
15 sold, the cost of materials used, labor or service cost, or any
16 other expense whatsoever, but does not include interest or
17 finance charges which appear as separate items on the bill of
18 sale or sales contract nor charges that are added to prices by
19 sellers on account of the seller's tax liability under the
20 Retailers' Occupation Tax Act, or on account of the seller's
21 duty to collect, from the purchaser, the tax that is imposed by
22 this Act, or, except as otherwise provided with respect to any
23 cigarette tax imposed by a home rule unit, on account of the
24 seller's tax liability under any local occupation tax
25 administered by the Department, or, except as otherwise
26 provided with respect to any cigarette tax imposed by a home

1 rule unit on account of the seller's duty to collect, from the
2 purchasers, the tax that is imposed under any local use tax
3 administered by the Department. Effective December 1, 1985,
4 "selling price" shall include charges that are added to prices
5 by sellers on account of the seller's tax liability under the
6 Cigarette Tax Act, on account of the seller's duty to collect,
7 from the purchaser, the tax imposed under the Cigarette Use
8 Tax Act, and on account of the seller's duty to collect, from
9 the purchaser, any cigarette tax imposed by a home rule unit.

10 The provisions of this paragraph, which provides only for
11 an alternative meaning of "selling price" with respect to the
12 sale of certain motor vehicles incident to the contemporaneous
13 lease of those motor vehicles, continue in effect and are not
14 changed by the tax on leases implemented by Public Act 103-592
15 ~~this amendatory Act of the 103rd General Assembly.~~
16 Notwithstanding any law to the contrary, for any motor
17 vehicle, as defined in Section 1-146 of the Vehicle Code, that
18 is sold on or after January 1, 2015 for the purpose of leasing
19 the vehicle for a defined period that is longer than one year
20 and (1) is a motor vehicle of the second division that: (A) is
21 a self-contained motor vehicle designed or permanently
22 converted to provide living quarters for recreational,
23 camping, or travel use, with direct walk through access to the
24 living quarters from the driver's seat; (B) is of the van
25 configuration designed for the transportation of not less than
26 7 nor more than 16 passengers; or (C) has a gross vehicle

1 weight rating of 8,000 pounds or less or (2) is a motor vehicle
2 of the first division, "selling price" or "amount of sale"
3 means the consideration received by the lessor pursuant to the
4 lease contract, including amounts due at lease signing and all
5 monthly or other regular payments charged over the term of the
6 lease. Also included in the selling price is any amount
7 received by the lessor from the lessee for the leased vehicle
8 that is not calculated at the time the lease is executed,
9 including, but not limited to, excess mileage charges and
10 charges for excess wear and tear. For sales that occur in
11 Illinois, with respect to any amount received by the lessor
12 from the lessee for the leased vehicle that is not calculated
13 at the time the lease is executed, the lessor who purchased the
14 motor vehicle does not incur the tax imposed by the Use Tax Act
15 on those amounts, and the retailer who makes the retail sale of
16 the motor vehicle to the lessor is not required to collect the
17 tax imposed by this Act or to pay the tax imposed by the
18 Retailers' Occupation Tax Act on those amounts. However, the
19 lessor who purchased the motor vehicle assumes the liability
20 for reporting and paying the tax on those amounts directly to
21 the Department in the same form (Illinois Retailers'
22 Occupation Tax, and local retailers' occupation taxes, if
23 applicable) in which the retailer would have reported and paid
24 such tax if the retailer had accounted for the tax to the
25 Department. For amounts received by the lessor from the lessee
26 that are not calculated at the time the lease is executed, the

1 lessor must file the return and pay the tax to the Department
2 by the due date otherwise required by this Act for returns
3 other than transaction returns. If the retailer is entitled
4 under this Act to a discount for collecting and remitting the
5 tax imposed under this Act to the Department with respect to
6 the sale of the motor vehicle to the lessor, then the right to
7 the discount provided in this Act shall be transferred to the
8 lessor with respect to the tax paid by the lessor for any
9 amount received by the lessor from the lessee for the leased
10 vehicle that is not calculated at the time the lease is
11 executed; provided that the discount is only allowed if the
12 return is timely filed and for amounts timely paid. The
13 "selling price" of a motor vehicle that is sold on or after
14 January 1, 2015 for the purpose of leasing for a defined period
15 of longer than one year shall not be reduced by the value of or
16 credit given for traded-in tangible personal property owned by
17 the lessor, nor shall it be reduced by the value of or credit
18 given for traded-in tangible personal property owned by the
19 lessee, regardless of whether the trade-in value thereof is
20 assigned by the lessee to the lessor. In the case of a motor
21 vehicle that is sold for the purpose of leasing for a defined
22 period of longer than one year, the sale occurs at the time of
23 the delivery of the vehicle, regardless of the due date of any
24 lease payments. A lessor who incurs a Retailers' Occupation
25 Tax liability on the sale of a motor vehicle coming off lease
26 may not take a credit against that liability for the Use Tax

1 the lessor paid upon the purchase of the motor vehicle (or for
2 any tax the lessor paid with respect to any amount received by
3 the lessor from the lessee for the leased vehicle that was not
4 calculated at the time the lease was executed) if the selling
5 price of the motor vehicle at the time of purchase was
6 calculated using the definition of "selling price" as defined
7 in this paragraph. Notwithstanding any other provision of this
8 Act to the contrary, lessors shall file all returns and make
9 all payments required under this paragraph to the Department
10 by electronic means in the manner and form as required by the
11 Department. This paragraph does not apply to leases of motor
12 vehicles for which, at the time the lease is entered into, the
13 term of the lease is not a defined period, including leases
14 with a defined initial period with the option to continue the
15 lease on a month-to-month or other basis beyond the initial
16 defined period.

17 The phrase "like kind and character" shall be liberally
18 construed (including, but not limited to, any form of motor
19 vehicle for any form of motor vehicle, or any kind of farm or
20 agricultural implement for any other kind of farm or
21 agricultural implement), while not including a kind of item
22 which, if sold at retail by that retailer, would be exempt from
23 retailers' occupation tax and use tax as an isolated or
24 occasional sale.

25 "Department" means the Department of Revenue.

26 "Person" means any natural individual, firm, partnership,

1 association, joint stock company, joint adventure, public or
2 private corporation, limited liability company, or a receiver,
3 executor, trustee, guardian, or other representative appointed
4 by order of any court.

5 "Retailer" means and includes every person engaged in the
6 business of making sales, including, on and after January 1,
7 2025, leases, at retail as defined in this Section. With
8 respect to leases, a "retailer" also means a "lessor", except
9 as otherwise provided in this Act.

10 A person who holds himself or herself out as being engaged
11 (or who habitually engages) in selling tangible personal
12 property at retail is a retailer hereunder with respect to
13 such sales (and not primarily in a service occupation)
14 notwithstanding the fact that such person designs and produces
15 such tangible personal property on special order for the
16 purchaser and in such a way as to render the property of value
17 only to such purchaser, if such tangible personal property so
18 produced on special order serves substantially the same
19 function as stock or standard items of tangible personal
20 property that are sold at retail.

21 A person whose activities are organized and conducted
22 primarily as a not-for-profit service enterprise, and who
23 engages in selling tangible personal property at retail
24 (whether to the public or merely to members and their guests)
25 is a retailer with respect to such transactions, excepting
26 only a person organized and operated exclusively for

1 charitable, religious or educational purposes either (1) 7 to
2 the extent of sales by such person to its members, students,
3 patients, 1 or inmates of tangible personal property to be used
4 primarily for the purposes of such person, or (2) 7 to the
5 extent of sales by such person of tangible personal property
6 which is not sold or offered for sale by persons organized for
7 profit. The selling of school books and school supplies by
8 schools at retail to students is not "primarily for the
9 purposes of" the school which does such selling. This
10 paragraph does not apply to nor subject to taxation occasional
11 dinners, social, 1 or similar activities of a person organized
12 and operated exclusively for charitable, religious, 1 or
13 educational purposes, whether or not such activities are open
14 to the public.

15 A person who is the recipient of a grant or contract under
16 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
17 serves meals to participants in the federal Nutrition Program
18 for the Elderly in return for contributions established in
19 amount by the individual participant pursuant to a schedule of
20 suggested fees as provided for in the federal Act is not a
21 retailer under this Act with respect to such transactions.

22 Persons who engage in the business of transferring
23 tangible personal property upon the redemption of trading
24 stamps are retailers hereunder when engaged in such business.

25 The isolated or occasional sale of tangible personal
26 property at retail by a person who does not hold himself out as

1 being engaged (or who does not habitually engage) in selling
2 such tangible personal property at retail or a sale through a
3 bulk vending machine does not make such person a retailer
4 hereunder. However, any person who is engaged in a business
5 which is not subject to the tax imposed by the Retailers'
6 Occupation Tax Act because of involving the sale of or a
7 contract to sell real estate or a construction contract to
8 improve real estate, but who, in the course of conducting such
9 business, transfers tangible personal property to users or
10 consumers in the finished form in which it was purchased, and
11 which does not become real estate, under any provision of a
12 construction contract or real estate sale or real estate sales
13 agreement entered into with some other person arising out of
14 or because of such nontaxable business, is a retailer to the
15 extent of the value of the tangible personal property so
16 transferred. If, in such transaction, a separate charge is
17 made for the tangible personal property so transferred, the
18 value of such property, for the purposes of this Act, is the
19 amount so separately charged, but not less than the cost of
20 such property to the transferor; if no separate charge is
21 made, the value of such property, for the purposes of this Act,
22 is the cost to the transferor of such tangible personal
23 property.

24 "Retailer maintaining a place of business in this State",
25 or any like term, means and includes any of the following
26 retailers:

1 (1) A retailer having or maintaining within this
2 State, directly or by a subsidiary, an office,
3 distribution house, sales house, warehouse, or other place
4 of business, or any agent or other representative
5 operating within this State under the authority of the
6 retailer or its subsidiary, irrespective of whether such
7 place of business or agent or other representative is
8 located here permanently or temporarily, or whether such
9 retailer or subsidiary is licensed to do business in this
10 State. However, the ownership of property that is located
11 at the premises of a printer with which the retailer has
12 contracted for printing and that consists of the final
13 printed product, property that becomes a part of the final
14 printed product, or copy from which the printed product is
15 produced shall not result in the retailer being deemed to
16 have or maintain an office, distribution house, sales
17 house, warehouse, or other place of business within this
18 State.

19 (1.1) A retailer having a contract with a person
20 located in this State under which the person, for a
21 commission or other consideration based upon the sale of
22 tangible personal property by the retailer, directly or
23 indirectly refers potential customers to the retailer by
24 providing to the potential customers a promotional code or
25 other mechanism that allows the retailer to track
26 purchases referred by such persons. Examples of mechanisms

1 that allow the retailer to track purchases referred by
2 such persons include, but are not limited to, the use of a
3 link on the person's Internet website, promotional codes
4 distributed through the person's hand-delivered or mailed
5 material, and promotional codes distributed by the person
6 through radio or other broadcast media. The provisions of
7 this paragraph (1.1) shall apply only if the cumulative
8 gross receipts from sales of tangible personal property by
9 the retailer to customers who are referred to the retailer
10 by all persons in this State under such contracts exceed
11 \$10,000 during the preceding 4 quarterly periods ending on
12 the last day of March, June, September, and December. A
13 retailer meeting the requirements of this paragraph (1.1)
14 shall be presumed to be maintaining a place of business in
15 this State but may rebut this presumption by submitting
16 proof that the referrals or other activities pursued
17 within this State by such persons were not sufficient to
18 meet the nexus standards of the United States Constitution
19 during the preceding 4 quarterly periods.

20 (1.2) Beginning July 1, 2011, a retailer having a
21 contract with a person located in this State under which:

22 (A) the retailer sells the same or substantially
23 similar line of products as the person located in this
24 State and does so using an identical or substantially
25 similar name, trade name, or trademark as the person
26 located in this State; and

1 (B) the retailer provides a commission or other
2 consideration to the person located in this State
3 based upon the sale of tangible personal property by
4 the retailer.

5 The provisions of this paragraph (1.2) shall apply
6 only if the cumulative gross receipts from sales of
7 tangible personal property by the retailer to customers in
8 this State under all such contracts exceed \$10,000 during
9 the preceding 4 quarterly periods ending on the last day
10 of March, June, September, and December.

11 (2) (Blank).

12 (3) (Blank).

13 (4) (Blank).

14 (5) (Blank).

15 (6) (Blank).

16 (7) (Blank).

17 (8) (Blank).

18 (9) Beginning October 1, 2018, a retailer making sales
19 of tangible personal property to purchasers in Illinois
20 from outside of Illinois if:

21 (A) the cumulative gross receipts from sales of
22 tangible personal property to purchasers in Illinois
23 are \$100,000 or more; or

24 (B) the retailer enters into 200 or more separate
25 transactions for the sale of tangible personal
26 property to purchasers in Illinois.

1 The retailer shall determine on a quarterly basis,
2 ending on the last day of March, June, September, and
3 December, whether he or she meets the criteria of either
4 subparagraph (A) or (B) of this paragraph (9) for the
5 preceding 12-month period. If the retailer meets the
6 threshold of either subparagraph (A) or (B) for a 12-month
7 period, he or she is considered a retailer maintaining a
8 place of business in this State and is required to collect
9 and remit the tax imposed under this Act and file returns
10 for one year. At the end of that one-year period, the
11 retailer shall determine whether he or she met the
12 threshold of either subparagraph (A) or (B) during the
13 preceding 12-month period. If the retailer met the
14 criteria in either subparagraph (A) or (B) for the
15 preceding 12-month period, he or she is considered a
16 retailer maintaining a place of business in this State and
17 is required to collect and remit the tax imposed under
18 this Act and file returns for the subsequent year. If at
19 the end of a one-year period a retailer that was required
20 to collect and remit the tax imposed under this Act
21 determines that he or she did not meet the threshold in
22 either subparagraph (A) or (B) during the preceding
23 12-month period, the retailer shall subsequently determine
24 on a quarterly basis, ending on the last day of March,
25 June, September, and December, whether he or she meets the
26 threshold of either subparagraph (A) or (B) for the

1 preceding 12-month period.

2 Beginning January 1, 2020, neither the gross receipts
3 from nor the number of separate transactions for sales of
4 tangible personal property to purchasers in Illinois that
5 a retailer makes through a marketplace facilitator and for
6 which the retailer has received a certification from the
7 marketplace facilitator pursuant to Section 2d of this Act
8 shall be included for purposes of determining whether he
9 or she has met the thresholds of this paragraph (9).

10 (10) Beginning January 1, 2020, a marketplace
11 facilitator that meets a threshold set forth in subsection
12 (b) of Section 2d of this Act.

13 "Bulk vending machine" means a vending machine, containing
14 unsorted confections, nuts, toys, or other items designed
15 primarily to be used or played with by children which, when a
16 coin or coins of a denomination not larger than \$0.50 are
17 inserted, are dispensed in equal portions, at random and
18 without selection by the customer.

19 (Source: P.A. 102-353, eff. 1-1-22; 103-592, eff. 1-1-25;
20 revised 11-22-24.)

21 (35 ILCS 105/3-5)

22 Sec. 3-5. Exemptions. Use, which, on and after January 1,
23 2025, includes use by a lessee, of the following tangible
24 personal property is exempt from the tax imposed by this Act:

25 (1) Personal property purchased from a corporation,

1 society, association, foundation, institution, or
2 organization, other than a limited liability company, that is
3 organized and operated as a not-for-profit service enterprise
4 for the benefit of persons 65 years of age or older if the
5 personal property was not purchased by the enterprise for the
6 purpose of resale by the enterprise.

7 (2) Personal property purchased by a not-for-profit
8 Illinois county fair association for use in conducting,
9 operating, or promoting the county fair.

10 (3) Personal property purchased by a not-for-profit arts
11 or cultural organization that establishes, by proof required
12 by the Department by rule, that it has received an exemption
13 under Section 501(c)(3) of the Internal Revenue Code and that
14 is organized and operated primarily for the presentation or
15 support of arts or cultural programming, activities, or
16 services. These organizations include, but are not limited to,
17 music and dramatic arts organizations such as symphony
18 orchestras and theatrical groups, arts and cultural service
19 organizations, local arts councils, visual arts organizations,
20 and media arts organizations. On and after July 1, 2001 (the
21 effective date of Public Act 92-35), however, an entity
22 otherwise eligible for this exemption shall not make tax-free
23 purchases unless it has an active identification number issued
24 by the Department.

25 (4) Except as otherwise provided in this Act, personal
26 property purchased by a governmental body, by a corporation,

1 society, association, foundation, or institution organized and
2 operated exclusively for charitable, religious, or educational
3 purposes, or by a not-for-profit corporation, society,
4 association, foundation, institution, or organization that has
5 no compensated officers or employees and that is organized and
6 operated primarily for the recreation of persons 55 years of
7 age or older. A limited liability company may qualify for the
8 exemption under this paragraph only if the limited liability
9 company is organized and operated exclusively for educational
10 purposes. On and after July 1, 1987, however, no entity
11 otherwise eligible for this exemption shall make tax-free
12 purchases unless it has an active exemption identification
13 number issued by the Department.

14 (5) Until July 1, 2003, a passenger car that is a
15 replacement vehicle to the extent that the purchase price of
16 the car is subject to the Replacement Vehicle Tax.

17 (6) Until July 1, 2003 and beginning again on September 1,
18 2004 through August 30, 2014, graphic arts machinery and
19 equipment, including repair and replacement parts, both new
20 and used, and including that manufactured on special order,
21 certified by the purchaser to be used primarily for graphic
22 arts production, and including machinery and equipment
23 purchased for lease. Equipment includes chemicals or chemicals
24 acting as catalysts but only if the chemicals or chemicals
25 acting as catalysts effect a direct and immediate change upon
26 a graphic arts product. Beginning on July 1, 2017, graphic

1 arts machinery and equipment is included in the manufacturing
2 and assembling machinery and equipment exemption under
3 paragraph (18).

4 (7) Farm chemicals.

5 (8) Legal tender, currency, medallions, or gold or silver
6 coinage issued by the State of Illinois, the government of the
7 United States of America, or the government of any foreign
8 country, and bullion.

9 (9) Personal property purchased from a teacher-sponsored
10 student organization affiliated with an elementary or
11 secondary school located in Illinois.

12 (10) A motor vehicle that is used for automobile renting,
13 as defined in the Automobile Renting Occupation and Use Tax
14 Act.

15 (11) Farm machinery and equipment, both new and used,
16 including that manufactured on special order, certified by the
17 purchaser to be used primarily for production agriculture or
18 State or federal agricultural programs, including individual
19 replacement parts for the machinery and equipment, including
20 machinery and equipment purchased for lease, and including
21 implements of husbandry defined in Section 1-130 of the
22 Illinois Vehicle Code, farm machinery and agricultural
23 chemical and fertilizer spreaders, and nurse wagons required
24 to be registered under Section 3-809 of the Illinois Vehicle
25 Code, but excluding other motor vehicles required to be
26 registered under the Illinois Vehicle Code. Horticultural

1 polyhouses or hoop houses used for propagating, growing, or
2 overwintering plants shall be considered farm machinery and
3 equipment under this item (11). Agricultural chemical tender
4 tanks and dry boxes shall include units sold separately from a
5 motor vehicle required to be licensed and units sold mounted
6 on a motor vehicle required to be licensed if the selling price
7 of the tender is separately stated.

8 Farm machinery and equipment shall include precision
9 farming equipment that is installed or purchased to be
10 installed on farm machinery and equipment, including, but not
11 limited to, tractors, harvesters, sprayers, planters, seeders,
12 or spreaders. Precision farming equipment includes, but is not
13 limited to, soil testing sensors, computers, monitors,
14 software, global positioning and mapping systems, and other
15 such equipment.

16 Farm machinery and equipment also includes computers,
17 sensors, software, and related equipment used primarily in the
18 computer-assisted operation of production agriculture
19 facilities, equipment, and activities such as, but not limited
20 to, the collection, monitoring, and correlation of animal and
21 crop data for the purpose of formulating animal diets and
22 agricultural chemicals.

23 Beginning on January 1, 2024, farm machinery and equipment
24 also includes electrical power generation equipment used
25 primarily for production agriculture.

26 This item (11) is exempt from the provisions of Section

1 3-90.

2 (12) Until June 30, 2013, fuel and petroleum products sold
3 to or used by an air common carrier, certified by the carrier
4 to be used for consumption, shipment, or storage in the
5 conduct of its business as an air common carrier, for a flight
6 destined for or returning from a location or locations outside
7 the United States without regard to previous or subsequent
8 domestic stopovers.

9 Beginning July 1, 2013, fuel and petroleum products sold
10 to or used by an air carrier, certified by the carrier to be
11 used for consumption, shipment, or storage in the conduct of
12 its business as an air common carrier, for a flight that (i) is
13 engaged in foreign trade or is engaged in trade between the
14 United States and any of its possessions and (ii) transports
15 at least one individual or package for hire from the city of
16 origination to the city of final destination on the same
17 aircraft, without regard to a change in the flight number of
18 that aircraft.

19 (13) Proceeds of mandatory service charges separately
20 stated on customers' bills for the purchase and consumption of
21 food and beverages purchased at retail from a retailer, to the
22 extent that the proceeds of the service charge are in fact
23 turned over as tips or as a substitute for tips to the
24 employees who participate directly in preparing, serving,
25 hosting or cleaning up the food or beverage function with
26 respect to which the service charge is imposed.

1 (14) Until July 1, 2003, oil field exploration, drilling,
2 and production equipment, including (i) rigs and parts of
3 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
4 pipe and tubular goods, including casing and drill strings,
5 (iii) pumps and pump-jack units, (iv) storage tanks and flow
6 lines, (v) any individual replacement part for oil field
7 exploration, drilling, and production equipment, and (vi)
8 machinery and equipment purchased for lease; but excluding
9 motor vehicles required to be registered under the Illinois
10 Vehicle Code.

11 (15) Photoprocessing machinery and equipment, including
12 repair and replacement parts, both new and used, including
13 that manufactured on special order, certified by the purchaser
14 to be used primarily for photoprocessing, and including
15 photoprocessing machinery and equipment purchased for lease.

16 (16) Until July 1, 2028, coal and aggregate exploration,
17 mining, off-highway hauling, processing, maintenance, and
18 reclamation equipment, including replacement parts and
19 equipment, and including equipment purchased for lease, but
20 excluding motor vehicles required to be registered under the
21 Illinois Vehicle Code. The changes made to this Section by
22 Public Act 97-767 apply on and after July 1, 2003, but no claim
23 for credit or refund is allowed on or after August 16, 2013
24 (the effective date of Public Act 98-456) for such taxes paid
25 during the period beginning July 1, 2003 and ending on August
26 16, 2013 (the effective date of Public Act 98-456).

1 (17) Until July 1, 2003, distillation machinery and
2 equipment, sold as a unit or kit, assembled or installed by the
3 retailer, certified by the user to be used only for the
4 production of ethyl alcohol that will be used for consumption
5 as motor fuel or as a component of motor fuel for the personal
6 use of the user, and not subject to sale or resale.

7 (18) Manufacturing and assembling machinery and equipment
8 used primarily in the process of manufacturing or assembling
9 tangible personal property for wholesale or retail sale or
10 lease, whether that sale or lease is made directly by the
11 manufacturer or by some other person, whether the materials
12 used in the process are owned by the manufacturer or some other
13 person, or whether that sale or lease is made apart from or as
14 an incident to the seller's engaging in the service occupation
15 of producing machines, tools, dies, jigs, patterns, gauges, or
16 other similar items of no commercial value on special order
17 for a particular purchaser. The exemption provided by this
18 paragraph (18) includes production related tangible personal
19 property, as defined in Section 3-50, purchased on or after
20 July 1, 2019. The exemption provided by this paragraph (18)
21 does not include machinery and equipment used in (i) the
22 generation of electricity for wholesale or retail sale; (ii)
23 the generation or treatment of natural or artificial gas for
24 wholesale or retail sale that is delivered to customers
25 through pipes, pipelines, or mains; or (iii) the treatment of
26 water for wholesale or retail sale that is delivered to

1 customers through pipes, pipelines, or mains. The provisions
2 of Public Act 98-583 are declaratory of existing law as to the
3 meaning and scope of this exemption. Beginning on July 1,
4 2017, the exemption provided by this paragraph (18) includes,
5 but is not limited to, graphic arts machinery and equipment,
6 as defined in paragraph (6) of this Section.

7 (19) Personal property delivered to a purchaser or
8 purchaser's donee inside Illinois when the purchase order for
9 that personal property was received by a florist located
10 outside Illinois who has a florist located inside Illinois
11 deliver the personal property.

12 (20) Semen used for artificial insemination of livestock
13 for direct agricultural production.

14 (21) Horses, or interests in horses, registered with and
15 meeting the requirements of any of the Arabian Horse Club
16 Registry of America, Appaloosa Horse Club, American Quarter
17 Horse Association, United States Trotting Association, or
18 Jockey Club, as appropriate, used for purposes of breeding or
19 racing for prizes. This item (21) is exempt from the
20 provisions of Section 3-90, and the exemption provided for
21 under this item (21) applies for all periods beginning May 30,
22 1995, but no claim for credit or refund is allowed on or after
23 January 1, 2008 for such taxes paid during the period
24 beginning May 30, 2000 and ending on January 1, 2008.

25 (22) Computers and communications equipment utilized for
26 any hospital purpose and equipment used in the diagnosis,

1 analysis, or treatment of hospital patients purchased by a
2 lessor who leases the equipment, under a lease of one year or
3 longer executed or in effect at the time the lessor would
4 otherwise be subject to the tax imposed by this Act, to a
5 hospital that has been issued an active tax exemption
6 identification number by the Department under Section 1g of
7 the Retailers' Occupation Tax Act. If the equipment is leased
8 in a manner that does not qualify for this exemption or is used
9 in any other non-exempt manner, the lessor shall be liable for
10 the tax imposed under this Act or the Service Use Tax Act, as
11 the case may be, based on the fair market value of the property
12 at the time the non-qualifying use occurs. No lessor shall
13 collect or attempt to collect an amount (however designated)
14 that purports to reimburse that lessor for the tax imposed by
15 this Act or the Service Use Tax Act, as the case may be, if the
16 tax has not been paid by the lessor. If a lessor improperly
17 collects any such amount from the lessee, the lessee shall
18 have a legal right to claim a refund of that amount from the
19 lessor. If, however, that amount is not refunded to the lessee
20 for any reason, the lessor is liable to pay that amount to the
21 Department.

22 (23) Personal property purchased by a lessor who leases
23 the property, under a lease of one year or longer executed or
24 in effect at the time the lessor would otherwise be subject to
25 the tax imposed by this Act, to a governmental body that has
26 been issued an active sales tax exemption identification

1 number by the Department under Section 1g of the Retailers'
2 Occupation Tax Act. If the property is leased in a manner that
3 does not qualify for this exemption or used in any other
4 non-exempt manner, the lessor shall be liable for the tax
5 imposed under this Act or the Service Use Tax Act, as the case
6 may be, based on the fair market value of the property at the
7 time the non-qualifying use occurs. No lessor shall collect or
8 attempt to collect an amount (however designated) that
9 purports to reimburse that lessor for the tax imposed by this
10 Act or the Service Use Tax Act, as the case may be, if the tax
11 has not been paid by the lessor. If a lessor improperly
12 collects any such amount from the lessee, the lessee shall
13 have a legal right to claim a refund of that amount from the
14 lessor. If, however, that amount is not refunded to the lessee
15 for any reason, the lessor is liable to pay that amount to the
16 Department.

17 (24) Beginning with taxable years ending on or after
18 December 31, 1995 and ending with taxable years ending on or
19 before December 31, 2004, personal property that is donated
20 for disaster relief to be used in a State or federally declared
21 disaster area in Illinois or bordering Illinois by a
22 manufacturer or retailer that is registered in this State to a
23 corporation, society, association, foundation, or institution
24 that has been issued a sales tax exemption identification
25 number by the Department that assists victims of the disaster
26 who reside within the declared disaster area.

1 (25) Beginning with taxable years ending on or after
2 December 31, 1995 and ending with taxable years ending on or
3 before December 31, 2004, personal property that is used in
4 the performance of infrastructure repairs in this State,
5 including, but not limited to, municipal roads and streets,
6 access roads, bridges, sidewalks, waste disposal systems,
7 water and sewer line extensions, water distribution and
8 purification facilities, storm water drainage and retention
9 facilities, and sewage treatment facilities, resulting from a
10 State or federally declared disaster in Illinois or bordering
11 Illinois when such repairs are initiated on facilities located
12 in the declared disaster area within 6 months after the
13 disaster.

14 (26) Beginning July 1, 1999, game or game birds purchased
15 at a "game breeding and hunting preserve area" as that term is
16 used in the Wildlife Code. This paragraph is exempt from the
17 provisions of Section 3-90.

18 (27) A motor vehicle, as that term is defined in Section
19 1-146 of the Illinois Vehicle Code, that is donated to a
20 corporation, limited liability company, society, association,
21 foundation, or institution that is determined by the
22 Department to be organized and operated exclusively for
23 educational purposes. For purposes of this exemption, "a
24 corporation, limited liability company, society, association,
25 foundation, or institution organized and operated exclusively
26 for educational purposes" means all tax-supported public

1 schools, private schools that offer systematic instruction in
2 useful branches of learning by methods common to public
3 schools and that compare favorably in their scope and
4 intensity with the course of study presented in tax-supported
5 schools, and vocational or technical schools or institutes
6 organized and operated exclusively to provide a course of
7 study of not less than 6 weeks duration and designed to prepare
8 individuals to follow a trade or to pursue a manual,
9 technical, mechanical, industrial, business, or commercial
10 occupation.

11 (28) Beginning January 1, 2000, personal property,
12 including food, purchased through fundraising events for the
13 benefit of a public or private elementary or secondary school,
14 a group of those schools, or one or more school districts if
15 the events are sponsored by an entity recognized by the school
16 district that consists primarily of volunteers and includes
17 parents and teachers of the school children. This paragraph
18 does not apply to fundraising events (i) for the benefit of
19 private home instruction or (ii) for which the fundraising
20 entity purchases the personal property sold at the events from
21 another individual or entity that sold the property for the
22 purpose of resale by the fundraising entity and that profits
23 from the sale to the fundraising entity. This paragraph is
24 exempt from the provisions of Section 3-90.

25 (29) Beginning January 1, 2000 and through December 31,
26 2001, new or used automatic vending machines that prepare and

1 serve hot food and beverages, including coffee, soup, and
2 other items, and replacement parts for these machines.
3 Beginning January 1, 2002 and through June 30, 2003, machines
4 and parts for machines used in commercial, coin-operated
5 amusement and vending business if a use or occupation tax is
6 paid on the gross receipts derived from the use of the
7 commercial, coin-operated amusement and vending machines. This
8 paragraph is exempt from the provisions of Section 3-90.

9 (30) Beginning January 1, 2001 and through June 30, 2016,
10 food for human consumption that is to be consumed off the
11 premises where it is sold (other than alcoholic beverages,
12 soft drinks, and food that has been prepared for immediate
13 consumption) and prescription and nonprescription medicines,
14 drugs, medical appliances, and insulin, urine testing
15 materials, syringes, and needles used by diabetics, for human
16 use, when purchased for use by a person receiving medical
17 assistance under Article V of the Illinois Public Aid Code who
18 resides in a licensed long-term care facility, as defined in
19 the Nursing Home Care Act, or in a licensed facility as defined
20 in the ID/DD Community Care Act, the MC/DD Act, or the
21 Specialized Mental Health Rehabilitation Act of 2013.

22 (31) Beginning on August 2, 2001 (the effective date of
23 Public Act 92-227), computers and communications equipment
24 utilized for any hospital purpose and equipment used in the
25 diagnosis, analysis, or treatment of hospital patients
26 purchased by a lessor who leases the equipment, under a lease

1 of one year or longer executed or in effect at the time the
2 lessor would otherwise be subject to the tax imposed by this
3 Act, to a hospital that has been issued an active tax exemption
4 identification number by the Department under Section 1g of
5 the Retailers' Occupation Tax Act. If the equipment is leased
6 in a manner that does not qualify for this exemption or is used
7 in any other nonexempt manner, the lessor shall be liable for
8 the tax imposed under this Act or the Service Use Tax Act, as
9 the case may be, based on the fair market value of the property
10 at the time the nonqualifying use occurs. No lessor shall
11 collect or attempt to collect an amount (however designated)
12 that purports to reimburse that lessor for the tax imposed by
13 this Act or the Service Use Tax Act, as the case may be, if the
14 tax has not been paid by the lessor. If a lessor improperly
15 collects any such amount from the lessee, the lessee shall
16 have a legal right to claim a refund of that amount from the
17 lessor. If, however, that amount is not refunded to the lessee
18 for any reason, the lessor is liable to pay that amount to the
19 Department. This paragraph is exempt from the provisions of
20 Section 3-90.

21 (32) Beginning on August 2, 2001 (the effective date of
22 Public Act 92-227), personal property purchased by a lessor
23 who leases the property, under a lease of one year or longer
24 executed or in effect at the time the lessor would otherwise be
25 subject to the tax imposed by this Act, to a governmental body
26 that has been issued an active sales tax exemption

1 identification number by the Department under Section 1g of
2 the Retailers' Occupation Tax Act. If the property is leased
3 in a manner that does not qualify for this exemption or used in
4 any other nonexempt manner, the lessor shall be liable for the
5 tax imposed under this Act or the Service Use Tax Act, as the
6 case may be, based on the fair market value of the property at
7 the time the nonqualifying use occurs. No lessor shall collect
8 or attempt to collect an amount (however designated) that
9 purports to reimburse that lessor for the tax imposed by this
10 Act or the Service Use Tax Act, as the case may be, if the tax
11 has not been paid by the lessor. If a lessor improperly
12 collects any such amount from the lessee, the lessee shall
13 have a legal right to claim a refund of that amount from the
14 lessor. If, however, that amount is not refunded to the lessee
15 for any reason, the lessor is liable to pay that amount to the
16 Department. This paragraph is exempt from the provisions of
17 Section 3-90.

18 (33) On and after July 1, 2003 and through June 30, 2004,
19 the use in this State of motor vehicles of the second division
20 with a gross vehicle weight in excess of 8,000 pounds and that
21 are subject to the commercial distribution fee imposed under
22 Section 3-815.1 of the Illinois Vehicle Code. Beginning on
23 July 1, 2004 and through June 30, 2005, the use in this State
24 of motor vehicles of the second division: (i) with a gross
25 vehicle weight rating in excess of 8,000 pounds; (ii) that are
26 subject to the commercial distribution fee imposed under

1 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that
2 are primarily used for commercial purposes. Through June 30,
3 2005, this exemption applies to repair and replacement parts
4 added after the initial purchase of such a motor vehicle if
5 that motor vehicle is used in a manner that would qualify for
6 the rolling stock exemption otherwise provided for in this
7 Act. For purposes of this paragraph, the term "used for
8 commercial purposes" means the transportation of persons or
9 property in furtherance of any commercial or industrial
10 enterprise, whether for-hire or not.

11 (34) Beginning January 1, 2008, tangible personal property
12 used in the construction or maintenance of a community water
13 supply, as defined under Section 3.145 of the Environmental
14 Protection Act, that is operated by a not-for-profit
15 corporation that holds a valid water supply permit issued
16 under Title IV of the Environmental Protection Act. This
17 paragraph is exempt from the provisions of Section 3-90.

18 (35) Beginning January 1, 2010 and continuing through
19 December 31, 2029, materials, parts, equipment, components,
20 and furnishings incorporated into or upon an aircraft as part
21 of the modification, refurbishment, completion, replacement,
22 repair, or maintenance of the aircraft. This exemption
23 includes consumable supplies used in the modification,
24 refurbishment, completion, replacement, repair, and
25 maintenance of aircraft. However, until January 1, 2024, this
26 exemption excludes any materials, parts, equipment,

1 components, and consumable supplies used in the modification,
2 replacement, repair, and maintenance of aircraft engines or
3 power plants, whether such engines or power plants are
4 installed or uninstalled upon any such aircraft. "Consumable
5 supplies" include, but are not limited to, adhesive, tape,
6 sandpaper, general purpose lubricants, cleaning solution,
7 latex gloves, and protective films.

8 Beginning January 1, 2010 and continuing through December
9 31, 2023, this exemption applies only to the use of qualifying
10 tangible personal property by persons who modify, refurbish,
11 complete, repair, replace, or maintain aircraft and who (i)
12 hold an Air Agency Certificate and are empowered to operate an
13 approved repair station by the Federal Aviation
14 Administration, (ii) have a Class IV Rating, and (iii) conduct
15 operations in accordance with Part 145 of the Federal Aviation
16 Regulations. From January 1, 2024 through December 31, 2029,
17 this exemption applies only to the use of qualifying tangible
18 personal property by: (A) persons who modify, refurbish,
19 complete, repair, replace, or maintain aircraft and who (i)
20 hold an Air Agency Certificate and are empowered to operate an
21 approved repair station by the Federal Aviation
22 Administration, (ii) have a Class IV Rating, and (iii) conduct
23 operations in accordance with Part 145 of the Federal Aviation
24 Regulations; and (B) persons who engage in the modification,
25 replacement, repair, and maintenance of aircraft engines or
26 power plants without regard to whether or not those persons

1 meet the qualifications of item (A).

2 The exemption does not include aircraft operated by a
3 commercial air carrier providing scheduled passenger air
4 service pursuant to authority issued under Part 121 or Part
5 129 of the Federal Aviation Regulations. The changes made to
6 this paragraph (35) by Public Act 98-534 are declarative of
7 existing law. It is the intent of the General Assembly that the
8 exemption under this paragraph (35) applies continuously from
9 January 1, 2010 through December 31, 2024; however, no claim
10 for credit or refund is allowed for taxes paid as a result of
11 the disallowance of this exemption on or after January 1, 2015
12 and prior to February 5, 2020 (the effective date of Public Act
13 101-629).

14 (36) Tangible personal property purchased by a
15 public-facilities corporation, as described in Section
16 11-65-10 of the Illinois Municipal Code, for purposes of
17 constructing or furnishing a municipal convention hall, but
18 only if the legal title to the municipal convention hall is
19 transferred to the municipality without any further
20 consideration by or on behalf of the municipality at the time
21 of the completion of the municipal convention hall or upon the
22 retirement or redemption of any bonds or other debt
23 instruments issued by the public-facilities corporation in
24 connection with the development of the municipal convention
25 hall. This exemption includes existing public-facilities
26 corporations as provided in Section 11-65-25 of the Illinois

1 Municipal Code. This paragraph is exempt from the provisions
2 of Section 3-90.

3 (37) Beginning January 1, 2017 and through December 31,
4 2026, menstrual pads, tampons, and menstrual cups.

5 (38) Merchandise that is subject to the Rental Purchase
6 Agreement Occupation and Use Tax. The purchaser must certify
7 that the item is purchased to be rented subject to a
8 rental-purchase agreement, as defined in the Rental-Purchase
9 Agreement Act, and provide proof of registration under the
10 Rental Purchase Agreement Occupation and Use Tax Act. This
11 paragraph is exempt from the provisions of Section 3-90.

12 (39) Tangible personal property purchased by a purchaser
13 who is exempt from the tax imposed by this Act by operation of
14 federal law. This paragraph is exempt from the provisions of
15 Section 3-90.

16 (40) Qualified tangible personal property used in the
17 construction or operation of a data center that has been
18 granted a certificate of exemption by the Department of
19 Commerce and Economic Opportunity, whether that tangible
20 personal property is purchased by the owner, operator, or
21 tenant of the data center or by a contractor or subcontractor
22 of the owner, operator, or tenant. Data centers that would
23 have qualified for a certificate of exemption prior to January
24 1, 2020 had Public Act 101-31 been in effect may apply for and
25 obtain an exemption for subsequent purchases of computer
26 equipment or enabling software purchased or leased to upgrade,

1 supplement, or replace computer equipment or enabling software
2 purchased or leased in the original investment that would have
3 qualified.

4 The Department of Commerce and Economic Opportunity shall
5 grant a certificate of exemption under this item (40) to
6 qualified data centers as defined by Section 605-1025 of the
7 Department of Commerce and Economic Opportunity Law of the
8 Civil Administrative Code of Illinois.

9 For the purposes of this item (40):

10 "Data center" means a building or a series of
11 buildings rehabilitated or constructed to house working
12 servers in one physical location or multiple sites within
13 the State of Illinois.

14 "Qualified tangible personal property" means:
15 electrical systems and equipment; climate control and
16 chilling equipment and systems; mechanical systems and
17 equipment; monitoring and secure systems; emergency
18 generators; hardware; computers; servers; data storage
19 devices; network connectivity equipment; racks; cabinets;
20 telecommunications cabling infrastructure; raised floor
21 systems; peripheral components or systems; software;
22 mechanical, electrical, or plumbing systems; battery
23 systems; cooling systems and towers; temperature control
24 systems; other cabling; and other data center
25 infrastructure equipment and systems necessary to operate
26 qualified tangible personal property, including fixtures;

1 and component parts of any of the foregoing, including
2 installation, maintenance, repair, refurbishment, and
3 replacement of qualified tangible personal property to
4 generate, transform, transmit, distribute, or manage
5 electricity necessary to operate qualified tangible
6 personal property; and all other tangible personal
7 property that is essential to the operations of a computer
8 data center. The term "qualified tangible personal
9 property" also includes building materials physically
10 incorporated into the qualifying data center. To document
11 the exemption allowed under this Section, the retailer
12 must obtain from the purchaser a copy of the certificate
13 of eligibility issued by the Department of Commerce and
14 Economic Opportunity.

15 This item (40) is exempt from the provisions of Section
16 3-90.

17 (41) Beginning July 1, 2022, breast pumps, breast pump
18 collection and storage supplies, and breast pump kits. This
19 item (41) is exempt from the provisions of Section 3-90. As
20 used in this item (41):

21 "Breast pump" means an electrically controlled or
22 manually controlled pump device designed or marketed to be
23 used to express milk from a human breast during lactation,
24 including the pump device and any battery, AC adapter, or
25 other power supply unit that is used to power the pump
26 device and is packaged and sold with the pump device at the

1 time of sale.

2 "Breast pump collection and storage supplies" means
3 items of tangible personal property designed or marketed
4 to be used in conjunction with a breast pump to collect
5 milk expressed from a human breast and to store collected
6 milk until it is ready for consumption.

7 "Breast pump collection and storage supplies"
8 includes, but is not limited to: breast shields and breast
9 shield connectors; breast pump tubes and tubing adapters;
10 breast pump valves and membranes; backflow protectors and
11 backflow protector adaptors; bottles and bottle caps
12 specific to the operation of the breast pump; and breast
13 milk storage bags.

14 "Breast pump collection and storage supplies" does not
15 include: (1) bottles and bottle caps not specific to the
16 operation of the breast pump; (2) breast pump travel bags
17 and other similar carrying accessories, including ice
18 packs, labels, and other similar products; (3) breast pump
19 cleaning supplies; (4) nursing bras, bra pads, breast
20 shells, and other similar products; and (5) creams,
21 ointments, and other similar products that relieve
22 breastfeeding-related symptoms or conditions of the
23 breasts or nipples, unless sold as part of a breast pump
24 kit that is pre-packaged by the breast pump manufacturer
25 or distributor.

26 "Breast pump kit" means a kit that: (1) contains no

1 more than a breast pump, breast pump collection and
2 storage supplies, a rechargeable battery for operating the
3 breast pump, a breastmilk cooler, bottle stands, ice
4 packs, and a breast pump carrying case; and (2) is
5 pre-packaged as a breast pump kit by the breast pump
6 manufacturer or distributor.

7 (42) Tangible personal property sold by or on behalf of
8 the State Treasurer pursuant to the Revised Uniform Unclaimed
9 Property Act. This item (42) is exempt from the provisions of
10 Section 3-90.

11 (43) Beginning on January 1, 2024, tangible personal
12 property purchased by an active duty member of the armed
13 forces of the United States who presents valid military
14 identification and purchases the property using a form of
15 payment where the federal government is the payor. The member
16 of the armed forces must complete, at the point of sale, a form
17 prescribed by the Department of Revenue documenting that the
18 transaction is eligible for the exemption under this
19 paragraph. Retailers must keep the form as documentation of
20 the exemption in their records for a period of not less than 6
21 years. "Armed forces of the United States" means the United
22 States Army, Navy, Air Force, Space Force, Marine Corps, or
23 Coast Guard. This paragraph is exempt from the provisions of
24 Section 3-90.

25 (44) Beginning July 1, 2024, home-delivered meals provided
26 to Medicare or Medicaid recipients when payment is made by an

1 intermediary, such as a Medicare Administrative Contractor, a
2 Managed Care Organization, or a Medicare Advantage
3 Organization, pursuant to a government contract. This item
4 (44) is exempt from the provisions of Section 3-90.

5 (45) ~~(44)~~ Beginning on January 1, 2026, as further defined
6 in Section 3-10, food for human consumption that is to be
7 consumed off the premises where it is sold (other than
8 alcoholic beverages, food consisting of or infused with adult
9 use cannabis, soft drinks, candy, and food that has been
10 prepared for immediate consumption). This item (45) ~~(44)~~ is
11 exempt from the provisions of Section 3-90.

12 (46) ~~(44)~~ Use by the lessee of the following leased
13 tangible personal property:

14 (1) software transferred subject to a license that
15 meets the following requirements:

16 (A) it is evidenced by a written agreement signed
17 by the licensor and the customer;

18 (i) an electronic agreement in which the
19 customer accepts the license by means of an
20 electronic signature that is verifiable and can be
21 authenticated and is attached to or made part of
22 the license will comply with this requirement;

23 (ii) a license agreement in which the customer
24 electronically accepts the terms by clicking "I
25 agree" does not comply with this requirement;

26 (B) it restricts the customer's duplication and

1 use of the software;

2 (C) it prohibits the customer from licensing,
3 sublicensing, or transferring the software to a third
4 party (except to a related party) without the
5 permission and continued control of the licensor;

6 (D) the licensor has a policy of providing another
7 copy at minimal or no charge if the customer loses or
8 damages the software, or of permitting the licensee to
9 make and keep an archival copy, and such policy is
10 either stated in the license agreement, supported by
11 the licensor's books and records, or supported by a
12 notarized statement made under penalties of perjury by
13 the licensor; and

14 (E) the customer must destroy or return all copies
15 of the software to the licensor at the end of the
16 license period; this provision is deemed to be met, in
17 the case of a perpetual license, without being set
18 forth in the license agreement; and

19 (2) property that is subject to a tax on lease
20 receipts imposed by a home rule unit of local government
21 if the ordinance imposing that tax was adopted prior to
22 January 1, 2023.

23 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,
24 Section 70-5, eff. 4-19-22; 102-700, Article 75, Section 75-5,
25 eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,
26 Section 5-5, eff. 6-7-23; 103-9, Article 15, Section 15-5,

1 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;
2 103-592, eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff.
3 7-1-24; 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; revised
4 11-26-24.)

5 (35 ILCS 105/3-10) from Ch. 120, par. 439.33-10

6 Sec. 3-10. Rate of tax. Unless otherwise provided in this
7 Section, the tax imposed by this Act is at the rate of 6.25% of
8 either the selling price or the fair market value, if any, of
9 the tangible personal property, which, on and after January 1,
10 2025, includes leases of tangible personal property. In all
11 cases where property functionally used or consumed is the same
12 as the property that was purchased at retail, then the tax is
13 imposed on the selling price of the property. In all cases
14 where property functionally used or consumed is a by-product
15 or waste product that has been refined, manufactured, or
16 produced from property purchased at retail, then the tax is
17 imposed on the lower of the fair market value, if any, of the
18 specific property so used in this State or on the selling price
19 of the property purchased at retail. For purposes of this
20 Section "fair market value" means the price at which property
21 would change hands between a willing buyer and a willing
22 seller, neither being under any compulsion to buy or sell and
23 both having reasonable knowledge of the relevant facts. The
24 fair market value shall be established by Illinois sales by
25 the taxpayer of the same property as that functionally used or

1 consumed, or if there are no such sales by the taxpayer, then
2 comparable sales or purchases of property of like kind and
3 character in Illinois.

4 Beginning on July 1, 2000 and through December 31, 2000,
5 with respect to motor fuel, as defined in Section 1.1 of the
6 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
7 the Use Tax Act, the tax is imposed at the rate of 1.25%.

8 Beginning on August 6, 2010 through August 15, 2010, and
9 beginning again on August 5, 2022 through August 14, 2022,
10 with respect to sales tax holiday items as defined in Section
11 3-6 of this Act, the tax is imposed at the rate of 1.25%.

12 With respect to gasohol, the tax imposed by this Act
13 applies to (i) 70% of the proceeds of sales made on or after
14 January 1, 1990, and before July 1, 2003, (ii) 80% of the
15 proceeds of sales made on or after July 1, 2003 and on or
16 before July 1, 2017, (iii) 100% of the proceeds of sales made
17 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of
18 the proceeds of sales made on or after January 1, 2024 and on
19 or before December 31, 2028, and (v) 100% of the proceeds of
20 sales made after December 31, 2028. If, at any time, however,
21 the tax under this Act on sales of gasohol is imposed at the
22 rate of 1.25%, then the tax imposed by this Act applies to 100%
23 of the proceeds of sales of gasohol made during that time.

24 With respect to mid-range ethanol blends, the tax imposed
25 by this Act applies to (i) 80% of the proceeds of sales made on
26 or after January 1, 2024 and on or before December 31, 2028 and

1 (ii) 100% of the proceeds of sales made thereafter. If, at any
2 time, however, the tax under this Act on sales of mid-range
3 ethanol blends is imposed at the rate of 1.25%, then the tax
4 imposed by this Act applies to 100% of the proceeds of sales of
5 mid-range ethanol blends made during that time.

6 With respect to majority blended ethanol fuel, the tax
7 imposed by this Act does not apply to the proceeds of sales
8 made on or after July 1, 2003 and on or before December 31,
9 2028 but applies to 100% of the proceeds of sales made
10 thereafter.

11 With respect to biodiesel blends with no less than 1% and
12 no more than 10% biodiesel, the tax imposed by this Act applies
13 to (i) 80% of the proceeds of sales made on or after July 1,
14 2003 and on or before December 31, 2018 and (ii) 100% of the
15 proceeds of sales made after December 31, 2018 and before
16 January 1, 2024. On and after January 1, 2024 and on or before
17 December 31, 2030, the taxation of biodiesel, renewable
18 diesel, and biodiesel blends shall be as provided in Section
19 3-5.1. If, at any time, however, the tax under this Act on
20 sales of biodiesel blends with no less than 1% and no more than
21 10% biodiesel is imposed at the rate of 1.25%, then the tax
22 imposed by this Act applies to 100% of the proceeds of sales of
23 biodiesel blends with no less than 1% and no more than 10%
24 biodiesel made during that time.

25 With respect to biodiesel and biodiesel blends with more
26 than 10% but no more than 99% biodiesel, the tax imposed by

1 this Act does not apply to the proceeds of sales made on or
2 after July 1, 2003 and on or before December 31, 2023. On and
3 after January 1, 2024 and on or before December 31, 2030, the
4 taxation of biodiesel, renewable diesel, and biodiesel blends
5 shall be as provided in Section 3-5.1.

6 Until July 1, 2022 and from July 1, 2023 through December
7 31, 2025, with respect to food for human consumption that is to
8 be consumed off the premises where it is sold (other than
9 alcoholic beverages, food consisting of or infused with adult
10 use cannabis, soft drinks, and food that has been prepared for
11 immediate consumption), the tax is imposed at the rate of 1%.
12 Beginning on July 1, 2022 and until July 1, 2023, with respect
13 to food for human consumption that is to be consumed off the
14 premises where it is sold (other than alcoholic beverages,
15 food consisting of or infused with adult use cannabis, soft
16 drinks, and food that has been prepared for immediate
17 consumption), the tax is imposed at the rate of 0%. On and
18 after January 1, 2026, food for human consumption that is to be
19 consumed off the premises where it is sold (other than
20 alcoholic beverages, food consisting of or infused with adult
21 use cannabis, soft drinks, candy, and food that has been
22 prepared for immediate consumption) is exempt from the tax
23 imposed by this Act.

24 With respect to prescription and nonprescription
25 medicines, drugs, medical appliances, products classified as
26 Class III medical devices by the United States Food and Drug

1 Administration that are used for cancer treatment pursuant to
2 a prescription, as well as any accessories and components
3 related to those devices, modifications to a motor vehicle for
4 the purpose of rendering it usable by a person with a
5 disability, and insulin, blood sugar testing materials,
6 syringes, and needles used by human diabetics, the tax is
7 imposed at the rate of 1%. For the purposes of this Section,
8 until September 1, 2009: the term "soft drinks" means any
9 complete, finished, ready-to-use, non-alcoholic drink, whether
10 carbonated or not, including, but not limited to, soda water,
11 cola, fruit juice, vegetable juice, carbonated water, and all
12 other preparations commonly known as soft drinks of whatever
13 kind or description that are contained in any closed or sealed
14 bottle, can, carton, or container, regardless of size; but
15 "soft drinks" does not include coffee, tea, non-carbonated
16 water, infant formula, milk or milk products as defined in the
17 Grade A Pasteurized Milk and Milk Products Act, or drinks
18 containing 50% or more natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "soft drinks" means non-alcoholic
21 beverages that contain natural or artificial sweeteners. "Soft
22 drinks" does not include beverages that contain milk or milk
23 products, soy, rice or similar milk substitutes, or greater
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all
2 food sold through a vending machine, except soft drinks and
3 food products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine. Beginning
5 August 1, 2009, and notwithstanding any other provisions of
6 this Act, "food for human consumption that is to be consumed
7 off the premises where it is sold" includes all food sold
8 through a vending machine, except soft drinks, candy, and food
9 products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "food for human consumption that
13 is to be consumed off the premises where it is sold" does not
14 include candy. For purposes of this Section, "candy" means a
15 preparation of sugar, honey, or other natural or artificial
16 sweeteners in combination with chocolate, fruits, nuts or
17 other ingredients or flavorings in the form of bars, drops, or
18 pieces. "Candy" does not include any preparation that contains
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "nonprescription medicines and
22 drugs" does not include grooming and hygiene products. For
23 purposes of this Section, "grooming and hygiene products"
24 includes, but is not limited to, soaps and cleaning solutions,
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the
2 definition of "over-the-counter-drugs". For the purposes of
3 this paragraph, "over-the-counter-drug" means a drug for human
4 use that contains a label that identifies the product as a drug
5 as required by 21 CFR 201.66. The "over-the-counter-drug"
6 label includes:

7 (A) a "Drug Facts" panel; or

8 (B) a statement of the "active ingredient(s)" with a
9 list of those ingredients contained in the compound,
10 substance or preparation.

11 Beginning on January 1, 2014 (the effective date of Public
12 Act 98-122), "prescription and nonprescription medicines and
13 drugs" includes medical cannabis purchased from a registered
14 dispensing organization under the Compassionate Use of Medical
15 Cannabis Program Act.

16 As used in this Section, "adult use cannabis" means
17 cannabis subject to tax under the Cannabis Cultivation
18 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
19 and does not include cannabis subject to tax under the
20 Compassionate Use of Medical Cannabis Program Act.

21 If the property that is purchased at retail from a
22 retailer is acquired outside Illinois and used outside
23 Illinois before being brought to Illinois for use here and is
24 taxable under this Act, the "selling price" on which the tax is
25 computed shall be reduced by an amount that represents a
26 reasonable allowance for depreciation for the period of prior

1 out-of-state use. No depreciation is allowed in cases where
2 the tax under this Act is imposed on lease receipts.

3 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,
4 Section 20-5, eff. 4-19-22; 102-700, Article 60, Section
5 60-15, eff. 4-19-22; 102-700, Article 65, Section 65-5, eff.
6 4-19-22; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23; 103-592,
7 eff. 1-1-25; 103-781, eff. 8-5-24; revised 11-26-24.)

8 Section 295. The Service Use Tax Act is amended by
9 changing Sections 3-5, 3-10, and 9 as follows:

10 (35 ILCS 110/3-5)

11 Sec. 3-5. Exemptions. Use of the following tangible
12 personal property is exempt from the tax imposed by this Act:

13 (1) Personal property purchased from a corporation,
14 society, association, foundation, institution, or
15 organization, other than a limited liability company, that is
16 organized and operated as a not-for-profit service enterprise
17 for the benefit of persons 65 years of age or older if the
18 personal property was not purchased by the enterprise for the
19 purpose of resale by the enterprise.

20 (2) Personal property purchased by a non-profit Illinois
21 county fair association for use in conducting, operating, or
22 promoting the county fair.

23 (3) Personal property purchased by a not-for-profit arts
24 or cultural organization that establishes, by proof required

1 by the Department by rule, that it has received an exemption
2 under Section 501(c)(3) of the Internal Revenue Code and that
3 is organized and operated primarily for the presentation or
4 support of arts or cultural programming, activities, or
5 services. These organizations include, but are not limited to,
6 music and dramatic arts organizations such as symphony
7 orchestras and theatrical groups, arts and cultural service
8 organizations, local arts councils, visual arts organizations,
9 and media arts organizations. On and after July 1, 2001 (the
10 effective date of Public Act 92-35), however, an entity
11 otherwise eligible for this exemption shall not make tax-free
12 purchases unless it has an active identification number issued
13 by the Department.

14 (4) Legal tender, currency, medallions, or gold or silver
15 coinage issued by the State of Illinois, the government of the
16 United States of America, or the government of any foreign
17 country, and bullion.

18 (5) Until July 1, 2003 and beginning again on September 1,
19 2004 through August 30, 2014, graphic arts machinery and
20 equipment, including repair and replacement parts, both new
21 and used, and including that manufactured on special order or
22 purchased for lease, certified by the purchaser to be used
23 primarily for graphic arts production. Equipment includes
24 chemicals or chemicals acting as catalysts but only if the
25 chemicals or chemicals acting as catalysts effect a direct and
26 immediate change upon a graphic arts product. Beginning on

1 July 1, 2017, graphic arts machinery and equipment is included
2 in the manufacturing and assembling machinery and equipment
3 exemption under Section 2 of this Act.

4 (6) Personal property purchased from a teacher-sponsored
5 student organization affiliated with an elementary or
6 secondary school located in Illinois.

7 (7) Farm machinery and equipment, both new and used,
8 including that manufactured on special order, certified by the
9 purchaser to be used primarily for production agriculture or
10 State or federal agricultural programs, including individual
11 replacement parts for the machinery and equipment, including
12 machinery and equipment purchased for lease, and including
13 implements of husbandry defined in Section 1-130 of the
14 Illinois Vehicle Code, farm machinery and agricultural
15 chemical and fertilizer spreaders, and nurse wagons required
16 to be registered under Section 3-809 of the Illinois Vehicle
17 Code, but excluding other motor vehicles required to be
18 registered under the Illinois Vehicle Code. Horticultural
19 polyhouses or hoop houses used for propagating, growing, or
20 overwintering plants shall be considered farm machinery and
21 equipment under this item (7). Agricultural chemical tender
22 tanks and dry boxes shall include units sold separately from a
23 motor vehicle required to be licensed and units sold mounted
24 on a motor vehicle required to be licensed if the selling price
25 of the tender is separately stated.

26 Farm machinery and equipment shall include precision

1 farming equipment that is installed or purchased to be
2 installed on farm machinery and equipment, including, but not
3 limited to, tractors, harvesters, sprayers, planters, seeders,
4 or spreaders. Precision farming equipment includes, but is not
5 limited to, soil testing sensors, computers, monitors,
6 software, global positioning and mapping systems, and other
7 such equipment.

8 Farm machinery and equipment also includes computers,
9 sensors, software, and related equipment used primarily in the
10 computer-assisted operation of production agriculture
11 facilities, equipment, and activities such as, but not limited
12 to, the collection, monitoring, and correlation of animal and
13 crop data for the purpose of formulating animal diets and
14 agricultural chemicals.

15 Beginning on January 1, 2024, farm machinery and equipment
16 also includes electrical power generation equipment used
17 primarily for production agriculture.

18 This item (7) is exempt from the provisions of Section
19 3-75.

20 (8) Until June 30, 2013, fuel and petroleum products sold
21 to or used by an air common carrier, certified by the carrier
22 to be used for consumption, shipment, or storage in the
23 conduct of its business as an air common carrier, for a flight
24 destined for or returning from a location or locations outside
25 the United States without regard to previous or subsequent
26 domestic stopovers.

1 Beginning July 1, 2013, fuel and petroleum products sold
2 to or used by an air carrier, certified by the carrier to be
3 used for consumption, shipment, or storage in the conduct of
4 its business as an air common carrier, for a flight that (i) is
5 engaged in foreign trade or is engaged in trade between the
6 United States and any of its possessions and (ii) transports
7 at least one individual or package for hire from the city of
8 origination to the city of final destination on the same
9 aircraft, without regard to a change in the flight number of
10 that aircraft.

11 (9) Proceeds of mandatory service charges separately
12 stated on customers' bills for the purchase and consumption of
13 food and beverages acquired as an incident to the purchase of a
14 service from a serviceman, to the extent that the proceeds of
15 the service charge are in fact turned over as tips or as a
16 substitute for tips to the employees who participate directly
17 in preparing, serving, hosting or cleaning up the food or
18 beverage function with respect to which the service charge is
19 imposed.

20 (10) Until July 1, 2003, oil field exploration, drilling,
21 and production equipment, including (i) rigs and parts of
22 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
23 pipe and tubular goods, including casing and drill strings,
24 (iii) pumps and pump-jack units, (iv) storage tanks and flow
25 lines, (v) any individual replacement part for oil field
26 exploration, drilling, and production equipment, and (vi)

1 machinery and equipment purchased for lease; but excluding
2 motor vehicles required to be registered under the Illinois
3 Vehicle Code.

4 (11) Proceeds from the sale of photoprocessing machinery
5 and equipment, including repair and replacement parts, both
6 new and used, including that manufactured on special order,
7 certified by the purchaser to be used primarily for
8 photoprocessing, and including photoprocessing machinery and
9 equipment purchased for lease.

10 (12) Until July 1, 2028, coal and aggregate exploration,
11 mining, off-highway hauling, processing, maintenance, and
12 reclamation equipment, including replacement parts and
13 equipment, and including equipment purchased for lease, but
14 excluding motor vehicles required to be registered under the
15 Illinois Vehicle Code. The changes made to this Section by
16 Public Act 97-767 apply on and after July 1, 2003, but no claim
17 for credit or refund is allowed on or after August 16, 2013
18 (the effective date of Public Act 98-456) for such taxes paid
19 during the period beginning July 1, 2003 and ending on August
20 16, 2013 (the effective date of Public Act 98-456).

21 (13) Semen used for artificial insemination of livestock
22 for direct agricultural production.

23 (14) Horses, or interests in horses, registered with and
24 meeting the requirements of any of the Arabian Horse Club
25 Registry of America, Appaloosa Horse Club, American Quarter
26 Horse Association, United States Trotting Association, or

1 Jockey Club, as appropriate, used for purposes of breeding or
2 racing for prizes. This item (14) is exempt from the
3 provisions of Section 3-75, and the exemption provided for
4 under this item (14) applies for all periods beginning May 30,
5 1995, but no claim for credit or refund is allowed on or after
6 January 1, 2008 (the effective date of Public Act 95-88) for
7 such taxes paid during the period beginning May 30, 2000 and
8 ending on January 1, 2008 (the effective date of Public Act
9 95-88).

10 (15) Computers and communications equipment utilized for
11 any hospital purpose and equipment used in the diagnosis,
12 analysis, or treatment of hospital patients purchased by a
13 lessor who leases the equipment, under a lease of one year or
14 longer executed or in effect at the time the lessor would
15 otherwise be subject to the tax imposed by this Act, to a
16 hospital that has been issued an active tax exemption
17 identification number by the Department under Section 1g of
18 the Retailers' Occupation Tax Act. If the equipment is leased
19 in a manner that does not qualify for this exemption or is used
20 in any other non-exempt manner, the lessor shall be liable for
21 the tax imposed under this Act or the Use Tax Act, as the case
22 may be, based on the fair market value of the property at the
23 time the non-qualifying use occurs. No lessor shall collect or
24 attempt to collect an amount (however designated) that
25 purports to reimburse that lessor for the tax imposed by this
26 Act or the Use Tax Act, as the case may be, if the tax has not

1 been paid by the lessor. If a lessor improperly collects any
2 such amount from the lessee, the lessee shall have a legal
3 right to claim a refund of that amount from the lessor. If,
4 however, that amount is not refunded to the lessee for any
5 reason, the lessor is liable to pay that amount to the
6 Department.

7 (16) Personal property purchased by a lessor who leases
8 the property, under a lease of one year or longer executed or
9 in effect at the time the lessor would otherwise be subject to
10 the tax imposed by this Act, to a governmental body that has
11 been issued an active tax exemption identification number by
12 the Department under Section 1g of the Retailers' Occupation
13 Tax Act. If the property is leased in a manner that does not
14 qualify for this exemption or is used in any other non-exempt
15 manner, the lessor shall be liable for the tax imposed under
16 this Act or the Use Tax Act, as the case may be, based on the
17 fair market value of the property at the time the
18 non-qualifying use occurs. No lessor shall collect or attempt
19 to collect an amount (however designated) that purports to
20 reimburse that lessor for the tax imposed by this Act or the
21 Use Tax Act, as the case may be, if the tax has not been paid
22 by the lessor. If a lessor improperly collects any such amount
23 from the lessee, the lessee shall have a legal right to claim a
24 refund of that amount from the lessor. If, however, that
25 amount is not refunded to the lessee for any reason, the lessor
26 is liable to pay that amount to the Department.

1 (17) Beginning with taxable years ending on or after
2 December 31, 1995 and ending with taxable years ending on or
3 before December 31, 2004, personal property that is donated
4 for disaster relief to be used in a State or federally declared
5 disaster area in Illinois or bordering Illinois by a
6 manufacturer or retailer that is registered in this State to a
7 corporation, society, association, foundation, or institution
8 that has been issued a sales tax exemption identification
9 number by the Department that assists victims of the disaster
10 who reside within the declared disaster area.

11 (18) Beginning with taxable years ending on or after
12 December 31, 1995 and ending with taxable years ending on or
13 before December 31, 2004, personal property that is used in
14 the performance of infrastructure repairs in this State,
15 including, but not limited to, municipal roads and streets,
16 access roads, bridges, sidewalks, waste disposal systems,
17 water and sewer line extensions, water distribution and
18 purification facilities, storm water drainage and retention
19 facilities, and sewage treatment facilities, resulting from a
20 State or federally declared disaster in Illinois or bordering
21 Illinois when such repairs are initiated on facilities located
22 in the declared disaster area within 6 months after the
23 disaster.

24 (19) Beginning July 1, 1999, game or game birds purchased
25 at a "game breeding and hunting preserve area" as that term is
26 used in the Wildlife Code. This paragraph is exempt from the

1 provisions of Section 3-75.

2 (20) A motor vehicle, as that term is defined in Section
3 1-146 of the Illinois Vehicle Code, that is donated to a
4 corporation, limited liability company, society, association,
5 foundation, or institution that is determined by the
6 Department to be organized and operated exclusively for
7 educational purposes. For purposes of this exemption, "a
8 corporation, limited liability company, society, association,
9 foundation, or institution organized and operated exclusively
10 for educational purposes" means all tax-supported public
11 schools, private schools that offer systematic instruction in
12 useful branches of learning by methods common to public
13 schools and that compare favorably in their scope and
14 intensity with the course of study presented in tax-supported
15 schools, and vocational or technical schools or institutes
16 organized and operated exclusively to provide a course of
17 study of not less than 6 weeks duration and designed to prepare
18 individuals to follow a trade or to pursue a manual,
19 technical, mechanical, industrial, business, or commercial
20 occupation.

21 (21) Beginning January 1, 2000, personal property,
22 including food, purchased through fundraising events for the
23 benefit of a public or private elementary or secondary school,
24 a group of those schools, or one or more school districts if
25 the events are sponsored by an entity recognized by the school
26 district that consists primarily of volunteers and includes

1 parents and teachers of the school children. This paragraph
2 does not apply to fundraising events (i) for the benefit of
3 private home instruction or (ii) for which the fundraising
4 entity purchases the personal property sold at the events from
5 another individual or entity that sold the property for the
6 purpose of resale by the fundraising entity and that profits
7 from the sale to the fundraising entity. This paragraph is
8 exempt from the provisions of Section 3-75.

9 (22) Beginning January 1, 2000 and through December 31,
10 2001, new or used automatic vending machines that prepare and
11 serve hot food and beverages, including coffee, soup, and
12 other items, and replacement parts for these machines.
13 Beginning January 1, 2002 and through June 30, 2003, machines
14 and parts for machines used in commercial, coin-operated
15 amusement and vending business if a use or occupation tax is
16 paid on the gross receipts derived from the use of the
17 commercial, coin-operated amusement and vending machines. This
18 paragraph is exempt from the provisions of Section 3-75.

19 (23) Beginning August 23, 2001 and through June 30, 2016,
20 food for human consumption that is to be consumed off the
21 premises where it is sold (other than alcoholic beverages,
22 soft drinks, and food that has been prepared for immediate
23 consumption) and prescription and nonprescription medicines,
24 drugs, medical appliances, and insulin, urine testing
25 materials, syringes, and needles used by diabetics, for human
26 use, when purchased for use by a person receiving medical

1 assistance under Article V of the Illinois Public Aid Code who
2 resides in a licensed long-term care facility, as defined in
3 the Nursing Home Care Act, or in a licensed facility as defined
4 in the ID/DD Community Care Act, the MC/DD Act, or the
5 Specialized Mental Health Rehabilitation Act of 2013.

6 (24) Beginning on August 2, 2001 (the effective date of
7 Public Act 92-227), computers and communications equipment
8 utilized for any hospital purpose and equipment used in the
9 diagnosis, analysis, or treatment of hospital patients
10 purchased by a lessor who leases the equipment, under a lease
11 of one year or longer executed or in effect at the time the
12 lessor would otherwise be subject to the tax imposed by this
13 Act, to a hospital that has been issued an active tax exemption
14 identification number by the Department under Section 1g of
15 the Retailers' Occupation Tax Act. If the equipment is leased
16 in a manner that does not qualify for this exemption or is used
17 in any other nonexempt manner, the lessor shall be liable for
18 the tax imposed under this Act or the Use Tax Act, as the case
19 may be, based on the fair market value of the property at the
20 time the nonqualifying use occurs. No lessor shall collect or
21 attempt to collect an amount (however designated) that
22 purports to reimburse that lessor for the tax imposed by this
23 Act or the Use Tax Act, as the case may be, if the tax has not
24 been paid by the lessor. If a lessor improperly collects any
25 such amount from the lessee, the lessee shall have a legal
26 right to claim a refund of that amount from the lessor. If,

1 however, that amount is not refunded to the lessee for any
2 reason, the lessor is liable to pay that amount to the
3 Department. This paragraph is exempt from the provisions of
4 Section 3-75.

5 (25) Beginning on August 2, 2001 (the effective date of
6 Public Act 92-227), personal property purchased by a lessor
7 who leases the property, under a lease of one year or longer
8 executed or in effect at the time the lessor would otherwise be
9 subject to the tax imposed by this Act, to a governmental body
10 that has been issued an active tax exemption identification
11 number by the Department under Section 1g of the Retailers'
12 Occupation Tax Act. If the property is leased in a manner that
13 does not qualify for this exemption or is used in any other
14 nonexempt manner, the lessor shall be liable for the tax
15 imposed under this Act or the Use Tax Act, as the case may be,
16 based on the fair market value of the property at the time the
17 nonqualifying use occurs. No lessor shall collect or attempt
18 to collect an amount (however designated) that purports to
19 reimburse that lessor for the tax imposed by this Act or the
20 Use Tax Act, as the case may be, if the tax has not been paid
21 by the lessor. If a lessor improperly collects any such amount
22 from the lessee, the lessee shall have a legal right to claim a
23 refund of that amount from the lessor. If, however, that
24 amount is not refunded to the lessee for any reason, the lessor
25 is liable to pay that amount to the Department. This paragraph
26 is exempt from the provisions of Section 3-75.

1 (26) Beginning January 1, 2008, tangible personal property
2 used in the construction or maintenance of a community water
3 supply, as defined under Section 3.145 of the Environmental
4 Protection Act, that is operated by a not-for-profit
5 corporation that holds a valid water supply permit issued
6 under Title IV of the Environmental Protection Act. This
7 paragraph is exempt from the provisions of Section 3-75.

8 (27) Beginning January 1, 2010 and continuing through
9 December 31, 2029, materials, parts, equipment, components,
10 and furnishings incorporated into or upon an aircraft as part
11 of the modification, refurbishment, completion, replacement,
12 repair, or maintenance of the aircraft. This exemption
13 includes consumable supplies used in the modification,
14 refurbishment, completion, replacement, repair, and
15 maintenance of aircraft. However, until January 1, 2024, this
16 exemption excludes any materials, parts, equipment,
17 components, and consumable supplies used in the modification,
18 replacement, repair, and maintenance of aircraft engines or
19 power plants, whether such engines or power plants are
20 installed or uninstalled upon any such aircraft. "Consumable
21 supplies" include, but are not limited to, adhesive, tape,
22 sandpaper, general purpose lubricants, cleaning solution,
23 latex gloves, and protective films.

24 Beginning January 1, 2010 and continuing through December
25 31, 2023, this exemption applies only to the use of qualifying
26 tangible personal property transferred incident to the

1 modification, refurbishment, completion, replacement, repair,
2 or maintenance of aircraft by persons who (i) hold an Air
3 Agency Certificate and are empowered to operate an approved
4 repair station by the Federal Aviation Administration, (ii)
5 have a Class IV Rating, and (iii) conduct operations in
6 accordance with Part 145 of the Federal Aviation Regulations.
7 From January 1, 2024 through December 31, 2029, this exemption
8 applies only to the use of qualifying tangible personal
9 property transferred incident to: (A) the modification,
10 refurbishment, completion, repair, replacement, or maintenance
11 of an aircraft by persons who (i) hold an Air Agency
12 Certificate and are empowered to operate an approved repair
13 station by the Federal Aviation Administration, (ii) have a
14 Class IV Rating, and (iii) conduct operations in accordance
15 with Part 145 of the Federal Aviation Regulations; and (B) the
16 modification, replacement, repair, and maintenance of aircraft
17 engines or power plants without regard to whether or not those
18 persons meet the qualifications of item (A).

19 The exemption does not include aircraft operated by a
20 commercial air carrier providing scheduled passenger air
21 service pursuant to authority issued under Part 121 or Part
22 129 of the Federal Aviation Regulations. The changes made to
23 this paragraph (27) by Public Act 98-534 are declarative of
24 existing law. It is the intent of the General Assembly that the
25 exemption under this paragraph (27) applies continuously from
26 January 1, 2010 through December 31, 2024; however, no claim

1 for credit or refund is allowed for taxes paid as a result of
2 the disallowance of this exemption on or after January 1, 2015
3 and prior to February 5, 2020 (the effective date of Public Act
4 101-629).

5 (28) Tangible personal property purchased by a
6 public-facilities corporation, as described in Section
7 11-65-10 of the Illinois Municipal Code, for purposes of
8 constructing or furnishing a municipal convention hall, but
9 only if the legal title to the municipal convention hall is
10 transferred to the municipality without any further
11 consideration by or on behalf of the municipality at the time
12 of the completion of the municipal convention hall or upon the
13 retirement or redemption of any bonds or other debt
14 instruments issued by the public-facilities corporation in
15 connection with the development of the municipal convention
16 hall. This exemption includes existing public-facilities
17 corporations as provided in Section 11-65-25 of the Illinois
18 Municipal Code. This paragraph is exempt from the provisions
19 of Section 3-75.

20 (29) Beginning January 1, 2017 and through December 31,
21 2026, menstrual pads, tampons, and menstrual cups.

22 (30) Tangible personal property transferred to a purchaser
23 who is exempt from the tax imposed by this Act by operation of
24 federal law. This paragraph is exempt from the provisions of
25 Section 3-75.

26 (31) Qualified tangible personal property used in the

1 construction or operation of a data center that has been
2 granted a certificate of exemption by the Department of
3 Commerce and Economic Opportunity, whether that tangible
4 personal property is purchased by the owner, operator, or
5 tenant of the data center or by a contractor or subcontractor
6 of the owner, operator, or tenant. Data centers that would
7 have qualified for a certificate of exemption prior to January
8 1, 2020 had Public Act 101-31 been in effect, may apply for and
9 obtain an exemption for subsequent purchases of computer
10 equipment or enabling software purchased or leased to upgrade,
11 supplement, or replace computer equipment or enabling software
12 purchased or leased in the original investment that would have
13 qualified.

14 The Department of Commerce and Economic Opportunity shall
15 grant a certificate of exemption under this item (31) to
16 qualified data centers as defined by Section 605-1025 of the
17 Department of Commerce and Economic Opportunity Law of the
18 Civil Administrative Code of Illinois.

19 For the purposes of this item (31):

20 "Data center" means a building or a series of
21 buildings rehabilitated or constructed to house working
22 servers in one physical location or multiple sites within
23 the State of Illinois.

24 "Qualified tangible personal property" means:
25 electrical systems and equipment; climate control and
26 chilling equipment and systems; mechanical systems and

1 equipment; monitoring and secure systems; emergency
2 generators; hardware; computers; servers; data storage
3 devices; network connectivity equipment; racks; cabinets;
4 telecommunications cabling infrastructure; raised floor
5 systems; peripheral components or systems; software;
6 mechanical, electrical, or plumbing systems; battery
7 systems; cooling systems and towers; temperature control
8 systems; other cabling; and other data center
9 infrastructure equipment and systems necessary to operate
10 qualified tangible personal property, including fixtures;
11 and component parts of any of the foregoing, including
12 installation, maintenance, repair, refurbishment, and
13 replacement of qualified tangible personal property to
14 generate, transform, transmit, distribute, or manage
15 electricity necessary to operate qualified tangible
16 personal property; and all other tangible personal
17 property that is essential to the operations of a computer
18 data center. The term "qualified tangible personal
19 property" also includes building materials physically
20 incorporated into the qualifying data center. To document
21 the exemption allowed under this Section, the retailer
22 must obtain from the purchaser a copy of the certificate
23 of eligibility issued by the Department of Commerce and
24 Economic Opportunity.

25 This item (31) is exempt from the provisions of Section
26 3-75.

1 (32) Beginning July 1, 2022, breast pumps, breast pump
2 collection and storage supplies, and breast pump kits. This
3 item (32) is exempt from the provisions of Section 3-75. As
4 used in this item (32):

5 "Breast pump" means an electrically controlled or
6 manually controlled pump device designed or marketed to be
7 used to express milk from a human breast during lactation,
8 including the pump device and any battery, AC adapter, or
9 other power supply unit that is used to power the pump
10 device and is packaged and sold with the pump device at the
11 time of sale.

12 "Breast pump collection and storage supplies" means
13 items of tangible personal property designed or marketed
14 to be used in conjunction with a breast pump to collect
15 milk expressed from a human breast and to store collected
16 milk until it is ready for consumption.

17 "Breast pump collection and storage supplies"
18 includes, but is not limited to: breast shields and breast
19 shield connectors; breast pump tubes and tubing adapters;
20 breast pump valves and membranes; backflow protectors and
21 backflow protector adaptors; bottles and bottle caps
22 specific to the operation of the breast pump; and breast
23 milk storage bags.

24 "Breast pump collection and storage supplies" does not
25 include: (1) bottles and bottle caps not specific to the
26 operation of the breast pump; (2) breast pump travel bags

1 and other similar carrying accessories, including ice
2 packs, labels, and other similar products; (3) breast pump
3 cleaning supplies; (4) nursing bras, bra pads, breast
4 shells, and other similar products; and (5) creams,
5 ointments, and other similar products that relieve
6 breastfeeding-related symptoms or conditions of the
7 breasts or nipples, unless sold as part of a breast pump
8 kit that is pre-packaged by the breast pump manufacturer
9 or distributor.

10 "Breast pump kit" means a kit that: (1) contains no
11 more than a breast pump, breast pump collection and
12 storage supplies, a rechargeable battery for operating the
13 breast pump, a breastmilk cooler, bottle stands, ice
14 packs, and a breast pump carrying case; and (2) is
15 pre-packaged as a breast pump kit by the breast pump
16 manufacturer or distributor.

17 (33) Tangible personal property sold by or on behalf of
18 the State Treasurer pursuant to the Revised Uniform Unclaimed
19 Property Act. This item (33) is exempt from the provisions of
20 Section 3-75.

21 (34) Beginning on January 1, 2024, tangible personal
22 property purchased by an active duty member of the armed
23 forces of the United States who presents valid military
24 identification and purchases the property using a form of
25 payment where the federal government is the payor. The member
26 of the armed forces must complete, at the point of sale, a form

1 prescribed by the Department of Revenue documenting that the
2 transaction is eligible for the exemption under this
3 paragraph. Retailers must keep the form as documentation of
4 the exemption in their records for a period of not less than 6
5 years. "Armed forces of the United States" means the United
6 States Army, Navy, Air Force, Space Force, Marine Corps, or
7 Coast Guard. This paragraph is exempt from the provisions of
8 Section 3-75.

9 (35) Beginning July 1, 2024, home-delivered meals provided
10 to Medicare or Medicaid recipients when payment is made by an
11 intermediary, such as a Medicare Administrative Contractor, a
12 Managed Care Organization, or a Medicare Advantage
13 Organization, pursuant to a government contract. This
14 paragraph (35) is exempt from the provisions of Section 3-75.

15 (36) ~~(35)~~ Beginning on January 1, 2026, as further defined
16 in Section 3-10, food prepared for immediate consumption and
17 transferred incident to a sale of service subject to this Act
18 or the Service Occupation Tax Act by an entity licensed under
19 the Hospital Licensing Act, the Nursing Home Care Act, the
20 Assisted Living and Shared Housing Act, the ID/DD Community
21 Care Act, the MC/DD Act, the Specialized Mental Health
22 Rehabilitation Act of 2013, or the Child Care Act of 1969⁷, or
23 by an entity that holds a permit issued pursuant to the Life
24 Care Facilities Act. This item (36) ~~(35)~~ is exempt from the
25 provisions of Section 3-75.

26 (37) ~~(36)~~ Beginning on January 1, 2026, as further defined

1 in Section 3-10, food for human consumption that is to be
2 consumed off the premises where it is sold (other than
3 alcoholic beverages, food consisting of or infused with adult
4 use cannabis, soft drinks, candy, and food that has been
5 prepared for immediate consumption). This item (37) ~~(36)~~ is
6 exempt from the provisions of Section 3-75.

7 (38) ~~(35)~~ Use by a lessee of the following leased tangible
8 personal property:

9 (1) software transferred subject to a license that
10 meets the following requirements:

11 (A) it is evidenced by a written agreement signed
12 by the licensor and the customer;

13 (i) an electronic agreement in which the
14 customer accepts the license by means of an
15 electronic signature that is verifiable and can be
16 authenticated and is attached to or made part of
17 the license will comply with this requirement;

18 (ii) a license agreement in which the customer
19 electronically accepts the terms by clicking "I
20 agree" does not comply with this requirement;

21 (B) it restricts the customer's duplication and
22 use of the software;

23 (C) it prohibits the customer from licensing,
24 sublicensing, or transferring the software to a third
25 party (except to a related party) without the
26 permission and continued control of the licensor;

1 (D) the licensor has a policy of providing another
2 copy at minimal or no charge if the customer loses or
3 damages the software, or of permitting the licensee to
4 make and keep an archival copy, and such policy is
5 either stated in the license agreement, supported by
6 the licensor's books and records, or supported by a
7 notarized statement made under penalties of perjury by
8 the licensor; and

9 (E) the customer must destroy or return all copies
10 of the software to the licensor at the end of the
11 license period; this provision is deemed to be met, in
12 the case of a perpetual license, without being set
13 forth in the license agreement; and

14 (2) property that is subject to a tax on lease
15 receipts imposed by a home rule unit of local government
16 if the ordinance imposing that tax was adopted prior to
17 January 1, 2023.

18 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,
19 Section 70-10, eff. 4-19-22; 102-700, Article 75, Section
20 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,
21 Section 5-10, eff. 6-7-23; 103-9, Article 15, Section 15-10,
22 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;
23 103-592, eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff.
24 7-1-24; 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; 103-995,
25 eff. 8-9-24; revised 11-26-24.)

1 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 the selling price of tangible personal property transferred,
5 including, on and after January 1, 2025, transferred by lease,
6 as an incident to the sale of service, but, for the purpose of
7 computing this tax, in no event shall the selling price be less
8 than the cost price of the property to the serviceman.

9 Beginning on July 1, 2000 and through December 31, 2000,
10 with respect to motor fuel, as defined in Section 1.1 of the
11 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
12 the Use Tax Act, the tax is imposed at the rate of 1.25%.

13 With respect to gasohol, as defined in the Use Tax Act, the
14 tax imposed by this Act applies to (i) 70% of the selling price
15 of property transferred as an incident to the sale of service
16 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
17 of the selling price of property transferred as an incident to
18 the sale of service on or after July 1, 2003 and on or before
19 July 1, 2017, (iii) 100% of the selling price of property
20 transferred as an incident to the sale of service after July 1,
21 2017 and before January 1, 2024, (iv) 90% of the selling price
22 of property transferred as an incident to the sale of service
23 on or after January 1, 2024 and on or before December 31, 2028,
24 and (v) 100% of the selling price of property transferred as an
25 incident to the sale of service after December 31, 2028. If, at
26 any time, however, the tax under this Act on sales of gasohol,

1 as defined in the Use Tax Act, is imposed at the rate of 1.25%,
2 then the tax imposed by this Act applies to 100% of the
3 proceeds of sales of gasohol made during that time.

4 With respect to mid-range ethanol blends, as defined in
5 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
6 applies to (i) 80% of the selling price of property
7 transferred as an incident to the sale of service on or after
8 January 1, 2024 and on or before December 31, 2028 and (ii)
9 100% of the selling price of property transferred as an
10 incident to the sale of service after December 31, 2028. If, at
11 any time, however, the tax under this Act on sales of mid-range
12 ethanol blends is imposed at the rate of 1.25%, then the tax
13 imposed by this Act applies to 100% of the selling price of
14 mid-range ethanol blends transferred as an incident to the
15 sale of service during that time.

16 With respect to majority blended ethanol fuel, as defined
17 in the Use Tax Act, the tax imposed by this Act does not apply
18 to the selling price of property transferred as an incident to
19 the sale of service on or after July 1, 2003 and on or before
20 December 31, 2028 but applies to 100% of the selling price
21 thereafter.

22 With respect to biodiesel blends, as defined in the Use
23 Tax Act, with no less than 1% and no more than 10% biodiesel,
24 the tax imposed by this Act applies to (i) 80% of the selling
25 price of property transferred as an incident to the sale of
26 service on or after July 1, 2003 and on or before December 31,

1 2018 and (ii) 100% of the proceeds of the selling price after
2 December 31, 2018 and before January 1, 2024. On and after
3 January 1, 2024 and on or before December 31, 2030, the
4 taxation of biodiesel, renewable diesel, and biodiesel blends
5 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
6 at any time, however, the tax under this Act on sales of
7 biodiesel blends, as defined in the Use Tax Act, with no less
8 than 1% and no more than 10% biodiesel is imposed at the rate
9 of 1.25%, then the tax imposed by this Act applies to 100% of
10 the proceeds of sales of biodiesel blends with no less than 1%
11 and no more than 10% biodiesel made during that time.

12 With respect to biodiesel, as defined in the Use Tax Act,
13 and biodiesel blends, as defined in the Use Tax Act, with more
14 than 10% but no more than 99% biodiesel, the tax imposed by
15 this Act does not apply to the proceeds of the selling price of
16 property transferred as an incident to the sale of service on
17 or after July 1, 2003 and on or before December 31, 2023. On
18 and after January 1, 2024 and on or before December 31, 2030,
19 the taxation of biodiesel, renewable diesel, and biodiesel
20 blends shall be as provided in Section 3-5.1 of the Use Tax
21 Act.

22 At the election of any registered serviceman made for each
23 fiscal year, sales of service in which the aggregate annual
24 cost price of tangible personal property transferred as an
25 incident to the sales of service is less than 35%, or 75% in
26 the case of servicemen transferring prescription drugs or

1 servicemen engaged in graphic arts production, of the
2 aggregate annual total gross receipts from all sales of
3 service, the tax imposed by this Act shall be based on the
4 serviceman's cost price of the tangible personal property
5 transferred as an incident to the sale of those services.

6 Until July 1, 2022 and from July 1, 2023 through December
7 31, 2025, the tax shall be imposed at the rate of 1% on food
8 prepared for immediate consumption and transferred incident to
9 a sale of service subject to this Act or the Service Occupation
10 Tax Act by an entity licensed under the Hospital Licensing
11 Act, the Nursing Home Care Act, the Assisted Living and Shared
12 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
13 Specialized Mental Health Rehabilitation Act of 2013, or the
14 Child Care Act of 1969, or an entity that holds a permit issued
15 pursuant to the Life Care Facilities Act. Until July 1, 2022
16 and from July 1, 2023 through December 31, 2025, the tax shall
17 also be imposed at the rate of 1% on food for human consumption
18 that is to be consumed off the premises where it is sold (other
19 than alcoholic beverages, food consisting of or infused with
20 adult use cannabis, soft drinks, and food that has been
21 prepared for immediate consumption and is not otherwise
22 included in this paragraph).

23 Beginning on July 1, 2022 and until July 1, 2023, the tax
24 shall be imposed at the rate of 0% on food prepared for
25 immediate consumption and transferred incident to a sale of
26 service subject to this Act or the Service Occupation Tax Act

1 by an entity licensed under the Hospital Licensing Act, the
2 Nursing Home Care Act, the Assisted Living and Shared Housing
3 Act, the ID/DD Community Care Act, the MC/DD Act, the
4 Specialized Mental Health Rehabilitation Act of 2013, or the
5 Child Care Act of 1969, or an entity that holds a permit issued
6 pursuant to the Life Care Facilities Act. Beginning on July 1,
7 2022 and until July 1, 2023, the tax shall also be imposed at
8 the rate of 0% on food for human consumption that is to be
9 consumed off the premises where it is sold (other than
10 alcoholic beverages, food consisting of or infused with adult
11 use cannabis, soft drinks, and food that has been prepared for
12 immediate consumption and is not otherwise included in this
13 paragraph).

14 On and ~~on~~ after January 1, 2026, food prepared for
15 immediate consumption and transferred incident to a sale of
16 service subject to this Act or the Service Occupation Tax Act
17 by an entity licensed under the Hospital Licensing Act, the
18 Nursing Home Care Act, the Assisted Living and Shared Housing
19 Act, the ID/DD Community Care Act, the MC/DD Act, the
20 Specialized Mental Health Rehabilitation Act of 2013, or the
21 Child Care Act of 1969, or by an entity that holds a permit
22 issued pursuant to the Life Care Facilities Act is exempt from
23 the tax under this Act. On and after January 1, 2026, food for
24 human consumption that is to be consumed off the premises
25 where it is sold (other than alcoholic beverages, food
26 consisting of or infused with adult use cannabis, soft drinks,

1 candy, and food that has been prepared for immediate
2 consumption and is not otherwise included in this paragraph)
3 is exempt from the tax under this Act.

4 The tax shall be imposed at the rate of 1% on prescription
5 and nonprescription medicines, drugs, medical appliances,
6 products classified as Class III medical devices by the United
7 States Food and Drug Administration that are used for cancer
8 treatment pursuant to a prescription, as well as any
9 accessories and components related to those devices,
10 modifications to a motor vehicle for the purpose of rendering
11 it usable by a person with a disability, and insulin, blood
12 sugar testing materials, syringes, and needles used by human
13 diabetics. For the purposes of this Section, until September
14 1, 2009: the term "soft drinks" means any complete, finished,
15 ready-to-use, non-alcoholic drink, whether carbonated or not,
16 including, but not limited to, soda water, cola, fruit juice,
17 vegetable juice, carbonated water, and all other preparations
18 commonly known as soft drinks of whatever kind or description
19 that are contained in any closed or sealed bottle, can,
20 carton, or container, regardless of size; but "soft drinks"
21 does not include coffee, tea, non-carbonated water, infant
22 formula, milk or milk products as defined in the Grade A
23 Pasteurized Milk and Milk Products Act, or drinks containing
24 50% or more natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft
2 drinks" does not include beverages that contain milk or milk
3 products, soy, rice or similar milk substitutes, or greater
4 than 50% of vegetable or fruit juice by volume.

5 Until August 1, 2009, and notwithstanding any other
6 provisions of this Act, "food for human consumption that is to
7 be consumed off the premises where it is sold" includes all
8 food sold through a vending machine, except soft drinks and
9 food products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine. Beginning
11 August 1, 2009, and notwithstanding any other provisions of
12 this Act, "food for human consumption that is to be consumed
13 off the premises where it is sold" includes all food sold
14 through a vending machine, except soft drinks, candy, and food
15 products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "food for human consumption that
19 is to be consumed off the premises where it is sold" does not
20 include candy. For purposes of this Section, "candy" means a
21 preparation of sugar, honey, or other natural or artificial
22 sweeteners in combination with chocolate, fruits, nuts or
23 other ingredients or flavorings in the form of bars, drops, or
24 pieces. "Candy" does not include any preparation that contains
25 flour or requires refrigeration.

26 Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and
2 drugs" does not include grooming and hygiene products. For
3 purposes of this Section, "grooming and hygiene products"
4 includes, but is not limited to, soaps and cleaning solutions,
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
6 lotions and screens, unless those products are available by
7 prescription only, regardless of whether the products meet the
8 definition of "over-the-counter-drugs". For the purposes of
9 this paragraph, "over-the-counter-drug" means a drug for human
10 use that contains a label that identifies the product as a drug
11 as required by 21 CFR 201.66. The "over-the-counter-drug"
12 label includes:

13 (A) a "Drug Facts" panel; or

14 (B) a statement of the "active ingredient(s)" with a
15 list of those ingredients contained in the compound,
16 substance or preparation.

17 Beginning on January 1, 2014 (the effective date of Public
18 Act 98-122), "prescription and nonprescription medicines and
19 drugs" includes medical cannabis purchased from a registered
20 dispensing organization under the Compassionate Use of Medical
21 Cannabis Program Act.

22 As used in this Section, "adult use cannabis" means
23 cannabis subject to tax under the Cannabis Cultivation
24 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
25 and does not include cannabis subject to tax under the
26 Compassionate Use of Medical Cannabis Program Act.

1 If the property that is acquired from a serviceman is
2 acquired outside Illinois and used outside Illinois before
3 being brought to Illinois for use here and is taxable under
4 this Act, the "selling price" on which the tax is computed
5 shall be reduced by an amount that represents a reasonable
6 allowance for depreciation for the period of prior
7 out-of-state use. No depreciation is allowed in cases where
8 the tax under this Act is imposed on lease receipts.

9 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;
10 102-700, Article 20, Section 20-10, eff. 4-19-22; 102-700,
11 Article 60, Section 60-20, eff. 4-19-22; 103-9, eff. 6-7-23;
12 103-154, eff. 6-30-23; 103-592, eff. 1-1-25; 103-781, eff.
13 8-5-24; revised 11-26-24.)

14 (35 ILCS 110/9)

15 Sec. 9. Each serviceman required or authorized to collect
16 the tax herein imposed shall pay to the Department the amount
17 of such tax (except as otherwise provided) at the time when he
18 is required to file his return for the period during which such
19 tax was collected, less a discount of 2.1% prior to January 1,
20 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
21 year, whichever is greater, which is allowed to reimburse the
22 serviceman for expenses incurred in collecting the tax,
23 keeping records, preparing and filing returns, remitting the
24 tax, and supplying data to the Department on request.
25 Beginning with returns due on or after January 1, 2025, the

1 vendor's discount allowed in this Section, the Retailers'
2 Occupation Tax Act, the Service Occupation Tax Act, and the
3 Use Tax Act, including any local tax administered by the
4 Department and reported on the same return, shall not exceed
5 \$1,000 per month in the aggregate. When determining the
6 discount allowed under this Section, servicemen shall include
7 the amount of tax that would have been due at the 1% rate but
8 for the 0% rate imposed under Public Act 102-700 ~~this~~
9 ~~amendatory Act of the 102nd General Assembly~~. The discount
10 under this Section is not allowed for the 1.25% portion of
11 taxes paid on aviation fuel that is subject to the revenue use
12 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The
13 discount allowed under this Section is allowed only for
14 returns that are filed in the manner required by this Act. The
15 Department may disallow the discount for servicemen whose
16 certificate of registration is revoked at the time the return
17 is filed, but only if the Department's decision to revoke the
18 certificate of registration has become final. A serviceman
19 need not remit that part of any tax collected by him to the
20 extent that he is required to pay and does pay the tax imposed
21 by the Service Occupation Tax Act with respect to his sale of
22 service involving the incidental transfer by him of the same
23 property.

24 Except as provided hereinafter in this Section, on or
25 before the twentieth day of each calendar month, such
26 serviceman shall file a return for the preceding calendar

1 month in accordance with reasonable Rules and Regulations to
2 be promulgated by the Department. Such return shall be filed
3 on a form prescribed by the Department and shall contain such
4 information as the Department may reasonably require. The
5 return shall include the gross receipts which were received
6 during the preceding calendar month or quarter on the
7 following items upon which tax would have been due but for the
8 0% rate imposed under Public Act 102-700 ~~this amendatory Act~~
9 ~~of the 102nd General Assembly~~: (i) food for human consumption
10 that is to be consumed off the premises where it is sold (other
11 than alcoholic beverages, food consisting of or infused with
12 adult use cannabis, soft drinks, and food that has been
13 prepared for immediate consumption); and (ii) food prepared
14 for immediate consumption and transferred incident to a sale
15 of service subject to this Act or the Service Occupation Tax
16 Act by an entity licensed under the Hospital Licensing Act,
17 the Nursing Home Care Act, the Assisted Living and Shared
18 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
19 Specialized Mental Health Rehabilitation Act of 2013, or the
20 Child Care Act of 1969, or an entity that holds a permit issued
21 pursuant to the Life Care Facilities Act. The return shall
22 also include the amount of tax that would have been due on the
23 items listed in the previous sentence but for the 0% rate
24 imposed under Public Act 102-700 ~~this amendatory Act of the~~
25 ~~102nd General Assembly~~.

26 In the case of leases, except as otherwise provided in

1 this Act, the lessor, in collecting the tax, may collect for
2 each tax return period, only the tax applicable to that part of
3 the selling price actually received during such tax return
4 period.

5 On and after January 1, 2018, with respect to servicemen
6 whose annual gross receipts average \$20,000 or more, all
7 returns required to be filed pursuant to this Act shall be
8 filed electronically. Servicemen who demonstrate that they do
9 not have access to the Internet or demonstrate hardship in
10 filing electronically may petition the Department to waive the
11 electronic filing requirement.

12 The Department may require returns to be filed on a
13 quarterly basis. If so required, a return for each calendar
14 quarter shall be filed on or before the twentieth day of the
15 calendar month following the end of such calendar quarter. The
16 taxpayer shall also file a return with the Department for each
17 of the first two months of each calendar quarter, on or before
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

20 2. The address of the principal place of business from
21 which he engages in business as a serviceman in this
22 State;

23 3. The total amount of taxable receipts received by
24 him during the preceding calendar month, including
25 receipts from charge and time sales, but less all
26 deductions allowed by law;

1 4. The amount of credit provided in Section 2d of this
2 Act;

3 5. The amount of tax due;

4 5-5. The signature of the taxpayer; and

5 6. Such other reasonable information as the Department
6 may require.

7 Each serviceman required or authorized to collect the tax
8 imposed by this Act on aviation fuel transferred as an
9 incident of a sale of service in this State during the
10 preceding calendar month shall, instead of reporting and
11 paying tax on aviation fuel as otherwise required by this
12 Section, report and pay such tax on a separate aviation fuel
13 tax return. The requirements related to the return shall be as
14 otherwise provided in this Section. Notwithstanding any other
15 provisions of this Act to the contrary, servicemen collecting
16 tax on aviation fuel shall file all aviation fuel tax returns
17 and shall make all aviation fuel tax payments by electronic
18 means in the manner and form required by the Department. For
19 purposes of this Section, "aviation fuel" means jet fuel and
20 aviation gasoline.

21 If a taxpayer fails to sign a return within 30 days after
22 the proper notice and demand for signature by the Department,
23 the return shall be considered valid and any amount shown to be
24 due on the return shall be deemed assessed.

25 Notwithstanding any other provision of this Act to the
26 contrary, servicemen subject to tax on cannabis shall file all

1 cannabis tax returns and shall make all cannabis tax payments
2 by electronic means in the manner and form required by the
3 Department.

4 Beginning October 1, 1993, a taxpayer who has an average
5 monthly tax liability of \$150,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1994, a taxpayer who has
8 an average monthly tax liability of \$100,000 or more shall
9 make all payments required by rules of the Department by
10 electronic funds transfer. Beginning October 1, 1995, a
11 taxpayer who has an average monthly tax liability of \$50,000
12 or more shall make all payments required by rules of the
13 Department by electronic funds transfer. Beginning October 1,
14 2000, a taxpayer who has an annual tax liability of \$200,000 or
15 more shall make all payments required by rules of the
16 Department by electronic funds transfer. The term "annual tax
17 liability" shall be the sum of the taxpayer's liabilities
18 under this Act, and under all other State and local occupation
19 and use tax laws administered by the Department, for the
20 immediately preceding calendar year. The term "average monthly
21 tax liability" means the sum of the taxpayer's liabilities
22 under this Act, and under all other State and local occupation
23 and use tax laws administered by the Department, for the
24 immediately preceding calendar year divided by 12. Beginning
25 on October 1, 2002, a taxpayer who has a tax liability in the
26 amount set forth in subsection (b) of Section 2505-210 of the

1 Department of Revenue Law shall make all payments required by
2 rules of the Department by electronic funds transfer.

3 Before August 1 of each year beginning in 1993, the
4 Department shall notify all taxpayers required to make
5 payments by electronic funds transfer. All taxpayers required
6 to make payments by electronic funds transfer shall make those
7 payments for a minimum of one year beginning on October 1.

8 Any taxpayer not required to make payments by electronic
9 funds transfer may make payments by electronic funds transfer
10 with the permission of the Department.

11 All taxpayers required to make payment by electronic funds
12 transfer and any taxpayers authorized to voluntarily make
13 payments by electronic funds transfer shall make those
14 payments in the manner authorized by the Department.

15 The Department shall adopt such rules as are necessary to
16 effectuate a program of electronic funds transfer and the
17 requirements of this Section.

18 If the serviceman is otherwise required to file a monthly
19 return and if the serviceman's average monthly tax liability
20 to the Department does not exceed \$200, the Department may
21 authorize his returns to be filed on a quarter annual basis,
22 with the return for January, February, and March of a given
23 year being due by April 20 of such year; with the return for
24 April, May, and June of a given year being due by July 20 of
25 such year; with the return for July, August, and September of a
26 given year being due by October 20 of such year, and with the

1 return for October, November, L and December of a given year
2 being due by January 20 of the following year.

3 If the serviceman is otherwise required to file a monthly
4 or quarterly return and if the serviceman's average monthly
5 tax liability to the Department does not exceed \$50, the
6 Department may authorize his returns to be filed on an annual
7 basis, with the return for a given year being due by January 20
8 of the following year.

9 Such quarter annual and annual returns, as to form and
10 substance, shall be subject to the same requirements as
11 monthly returns.

12 Notwithstanding any other provision in this Act concerning
13 the time within which a serviceman may file his return, in the
14 case of any serviceman who ceases to engage in a kind of
15 business which makes him responsible for filing returns under
16 this Act, such serviceman shall file a final return under this
17 Act with the Department not more than one ~~±~~ month after
18 discontinuing such business.

19 Where a serviceman collects the tax with respect to the
20 selling price of property which he sells and the purchaser
21 thereafter returns such property and the serviceman refunds
22 the selling price thereof to the purchaser, such serviceman
23 shall also refund, to the purchaser, the tax so collected from
24 the purchaser. When filing his return for the period in which
25 he refunds such tax to the purchaser, the serviceman may
26 deduct the amount of the tax so refunded by him to the

1 purchaser from any other Service Use Tax, Service Occupation
2 Tax, retailers' occupation tax, or use tax which such
3 serviceman may be required to pay or remit to the Department,
4 as shown by such return, provided that the amount of the tax to
5 be deducted shall previously have been remitted to the
6 Department by such serviceman. If the serviceman shall not
7 previously have remitted the amount of such tax to the
8 Department, he shall be entitled to no deduction hereunder
9 upon refunding such tax to the purchaser.

10 Any serviceman filing a return hereunder shall also
11 include the total tax upon the selling price of tangible
12 personal property purchased for use by him as an incident to a
13 sale of service, and such serviceman shall remit the amount of
14 such tax to the Department when filing such return.

15 If experience indicates such action to be practicable, the
16 Department may prescribe and furnish a combination or joint
17 return which will enable servicemen, who are required to file
18 returns hereunder and also under the Service Occupation Tax
19 Act, to furnish all the return information required by both
20 Acts on the one form.

21 Where the serviceman has more than one business registered
22 with the Department under separate registration hereunder,
23 such serviceman shall not file each return that is due as a
24 single return covering all such registered businesses, but
25 shall file separate returns for each such registered business.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the State and Local Tax Reform Fund, a special fund in
2 the State treasury ~~Treasury~~, the net revenue realized for the
3 preceding month from the 1% tax imposed under this Act.

4 Beginning January 1, 1990, each month the Department shall
5 pay into the State and Local Sales Tax Reform Fund 20% of the
6 net revenue realized for the preceding month from the 6.25%
7 general rate on transfers of tangible personal property, other
8 than (i) tangible personal property which is purchased outside
9 Illinois at retail from a retailer and which is titled or
10 registered by an agency of this State's government and (ii)
11 aviation fuel sold on or after December 1, 2019. This
12 exception for aviation fuel only applies for so long as the
13 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
14 47133 are binding on the State.

15 For aviation fuel sold on or after December 1, 2019, each
16 month the Department shall pay into the State Aviation Program
17 Fund 20% of the net revenue realized for the preceding month
18 from the 6.25% general rate on the selling price of aviation
19 fuel, less an amount estimated by the Department to be
20 required for refunds of the 20% portion of the tax on aviation
21 fuel under this Act, which amount shall be deposited into the
22 Aviation Fuel Sales Tax Refund Fund. The Department shall only
23 pay moneys into the State Aviation Program Fund and the
24 Aviation Fuel Sales Tax Refund Fund under this Act for so long
25 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
26 U.S.C. 47133 are binding on the State.

1 Beginning August 1, 2000, each month the Department shall
2 pay into the State and Local Sales Tax Reform Fund 100% of the
3 net revenue realized for the preceding month from the 1.25%
4 rate on the selling price of motor fuel and gasohol.

5 Beginning October 1, 2009, each month the Department shall
6 pay into the Capital Projects Fund an amount that is equal to
7 an amount estimated by the Department to represent 80% of the
8 net revenue realized for the preceding month from the sale of
9 candy, grooming and hygiene products, and soft drinks that had
10 been taxed at a rate of 1% prior to September 1, 2009 but that
11 are now taxed at 6.25%.

12 Beginning July 1, 2013, each month the Department shall
13 pay into the Underground Storage Tank Fund from the proceeds
14 collected under this Act, the Use Tax Act, the Service
15 Occupation Tax Act, and the Retailers' Occupation Tax Act an
16 amount equal to the average monthly deficit in the Underground
17 Storage Tank Fund during the prior year, as certified annually
18 by the Illinois Environmental Protection Agency, but the total
19 payment into the Underground Storage Tank Fund under this Act,
20 the Use Tax Act, the Service Occupation Tax Act, and the
21 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in
22 any State fiscal year. As used in this paragraph, the "average
23 monthly deficit" shall be equal to the difference between the
24 average monthly claims for payment by the fund and the average
25 monthly revenues deposited into the fund, excluding payments
26 made pursuant to this paragraph.

1 Beginning July 1, 2015, of the remainder of the moneys
2 received by the Department under the Use Tax Act, this Act, the
3 Service Occupation Tax Act, and the Retailers' Occupation Tax
4 Act, each month the Department shall deposit \$500,000 into the
5 State Crime Laboratory Fund.

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, (a) 1.75% thereof shall be paid into the
8 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
9 and after July 1, 1989, 3.8% thereof shall be paid into the
10 Build Illinois Fund; provided, however, that if in any fiscal
11 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
12 may be, of the moneys received by the Department and required
13 to be paid into the Build Illinois Fund pursuant to Section 3
14 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
15 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
16 Service Occupation Tax Act, such Acts being hereinafter called
17 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
18 may be, of moneys being hereinafter called the "Tax Act
19 Amount", and (2) the amount transferred to the Build Illinois
20 Fund from the State and Local Sales Tax Reform Fund shall be
21 less than the Annual Specified Amount (as defined in Section 3
22 of the Retailers' Occupation Tax Act), an amount equal to the
23 difference shall be immediately paid into the Build Illinois
24 Fund from other moneys received by the Department pursuant to
25 the Tax Acts; and further provided, that if on the last
26 business day of any month the sum of (1) the Tax Act Amount

1 required to be deposited into the Build Illinois Bond Account
2 in the Build Illinois Fund during such month and (2) the amount
3 transferred during such month to the Build Illinois Fund from
4 the State and Local Sales Tax Reform Fund shall have been less
5 than 1/12 of the Annual Specified Amount, an amount equal to
6 the difference shall be immediately paid into the Build
7 Illinois Fund from other moneys received by the Department
8 pursuant to the Tax Acts; and, further provided, that in no
9 event shall the payments required under the preceding proviso
10 result in aggregate payments into the Build Illinois Fund
11 pursuant to this clause (b) for any fiscal year in excess of
12 the greater of (i) the Tax Act Amount or (ii) the Annual
13 Specified Amount for such fiscal year; and, further provided,
14 that the amounts payable into the Build Illinois Fund under
15 this clause (b) shall be payable only until such time as the
16 aggregate amount on deposit under each trust indenture
17 securing Bonds issued and outstanding pursuant to the Build
18 Illinois Bond Act is sufficient, taking into account any
19 future investment income, to fully provide, in accordance with
20 such indenture, for the defeasance of or the payment of the
21 principal of, premium, if any, and interest on the Bonds
22 secured by such indenture and on any Bonds expected to be
23 issued thereafter and all fees and costs payable with respect
24 thereto, all as certified by the Director of the Bureau of the
25 Budget (now Governor's Office of Management and Budget). If on
26 the last business day of any month in which Bonds are

1 outstanding pursuant to the Build Illinois Bond Act, the
2 aggregate of the moneys deposited in the Build Illinois Bond
3 Account in the Build Illinois Fund in such month shall be less
4 than the amount required to be transferred in such month from
5 the Build Illinois Bond Account to the Build Illinois Bond
6 Retirement and Interest Fund pursuant to Section 13 of the
7 Build Illinois Bond Act, an amount equal to such deficiency
8 shall be immediately paid from other moneys received by the
9 Department pursuant to the Tax Acts to the Build Illinois
10 Fund; provided, however, that any amounts paid to the Build
11 Illinois Fund in any fiscal year pursuant to this sentence
12 shall be deemed to constitute payments pursuant to clause (b)
13 of the preceding sentence and shall reduce the amount
14 otherwise payable for such fiscal year pursuant to clause (b)
15 of the preceding sentence. The moneys received by the
16 Department pursuant to this Act and required to be deposited
17 into the Build Illinois Fund are subject to the pledge, claim
18 and charge set forth in Section 12 of the Build Illinois Bond
19 Act.

20 Subject to payment of amounts into the Build Illinois Fund
21 as provided in the preceding paragraph or in any amendment
22 thereto hereafter enacted, the following specified monthly
23 installment of the amount requested in the certificate of the
24 Chairman of the Metropolitan Pier and Exposition Authority
25 provided under Section 8.25f of the State Finance Act, but not
26 in excess of the sums designated as "Total Deposit", shall be

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

6	Fiscal Year	Total Deposit
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000

1	2012	153,000,000
2	2013	161,000,000
3	2014	170,000,000
4	2015	179,000,000
5	2016	189,000,000
6	2017	199,000,000
7	2018	210,000,000
8	2019	221,000,000
9	2020	233,000,000
10	2021	300,000,000
11	2022	300,000,000
12	2023	300,000,000
13	2024	300,000,000
14	2025	300,000,000
15	2026	300,000,000
16	2027	375,000,000
17	2028	375,000,000
18	2029	375,000,000
19	2030	375,000,000
20	2031	375,000,000
21	2032	375,000,000
22	2033	375,000,000
23	2034	375,000,000
24	2035	375,000,000
25	2036	450,000,000
26	and	

1 each fiscal year
2 thereafter that bonds
3 are outstanding under
4 Section 13.2 of the
5 Metropolitan Pier and
6 Exposition Authority Act,
7 but not after fiscal year 2060.

8 Beginning July 20, 1993 and in each month of each fiscal
9 year thereafter, one-eighth of the amount requested in the
10 certificate of the Chairman of the Metropolitan Pier and
11 Exposition Authority for that fiscal year, less the amount
12 deposited into the McCormick Place Expansion Project Fund by
13 the State Treasurer in the respective month under subsection
14 (g) of Section 13 of the Metropolitan Pier and Exposition
15 Authority Act, plus cumulative deficiencies in the deposits
16 required under this Section for previous months and years,
17 shall be deposited into the McCormick Place Expansion Project
18 Fund, until the full amount requested for the fiscal year, but
19 not in excess of the amount specified above as "Total
20 Deposit", has been deposited.

21 Subject to payment of amounts into the Capital Projects
22 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
23 and the McCormick Place Expansion Project Fund pursuant to the
24 preceding paragraphs or in any amendments thereto hereafter
25 enacted, for aviation fuel sold on or after December 1, 2019,
26 the Department shall each month deposit into the Aviation Fuel

1 Sales Tax Refund Fund an amount estimated by the Department to
2 be required for refunds of the 80% portion of the tax on
3 aviation fuel under this Act. The Department shall only
4 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
5 under this paragraph for so long as the revenue use
6 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
7 binding on the State.

8 Subject to payment of amounts into the Build Illinois Fund
9 and the McCormick Place Expansion Project Fund pursuant to the
10 preceding paragraphs or in any amendments thereto hereafter
11 enacted, beginning July 1, 1993 and ending on September 30,
12 2013, the Department shall each month pay into the Illinois
13 Tax Increment Fund 0.27% of 80% of the net revenue realized for
14 the preceding month from the 6.25% general rate on the selling
15 price of tangible personal property.

16 Subject to payment of amounts into the Build Illinois
17 Fund, the McCormick Place Expansion Project Fund, the Illinois
18 Tax Increment Fund, pursuant to the preceding paragraphs or in
19 any amendments to this Section hereafter enacted, beginning on
20 the first day of the first calendar month to occur on or after
21 August 26, 2014 (the effective date of Public Act 98-1098),
22 each month, from the collections made under Section 9 of the
23 Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of
24 the Service Occupation Tax Act, and Section 3 of the
25 Retailers' Occupation Tax Act, the Department shall pay into
26 the Tax Compliance and Administration Fund, to be used,

1 subject to appropriation, to fund additional auditors and
2 compliance personnel at the Department of Revenue, an amount
3 equal to 1/12 of 5% of 80% of the cash receipts collected
4 during the preceding fiscal year by the Audit Bureau of the
5 Department under the Use Tax Act, the Service Use Tax Act, the
6 Service Occupation Tax Act, the Retailers' Occupation Tax Act,
7 and associated local occupation and use taxes administered by
8 the Department.

9 Subject to payments of amounts into the Build Illinois
10 Fund, the McCormick Place Expansion Project Fund, the Illinois
11 Tax Increment Fund, and the Tax Compliance and Administration
12 Fund as provided in this Section, beginning on July 1, 2018 the
13 Department shall pay each month into the Downstate Public
14 Transportation Fund the moneys required to be so paid under
15 Section 2-3 of the Downstate Public Transportation Act.

16 Subject to successful execution and delivery of a
17 public-private agreement between the public agency and private
18 entity and completion of the civic build, beginning on July 1,
19 2023, of the remainder of the moneys received by the
20 Department under the Use Tax Act, the Service Use Tax Act, the
21 Service Occupation Tax Act, and this Act, the Department shall
22 deposit the following specified deposits in the aggregate from
23 collections under the Use Tax Act, the Service Use Tax Act, the
24 Service Occupation Tax Act, and the Retailers' Occupation Tax
25 Act, as required under Section 8.25g of the State Finance Act
26 for distribution consistent with the Public-Private

Partnership for Civic and Transit Infrastructure Project Act.
The moneys received by the Department pursuant to this Act and
required to be deposited into the Civic and Transit
Infrastructure Fund are subject to the pledge, claim, and
charge set forth in Section 25-55 of the Public-Private
Partnership for Civic and Transit Infrastructure Project Act.
As used in this paragraph, "civic build", "private entity",
"public-private agreement", and "public agency" have the
meanings provided in Section 25-10 of the Public-Private
Partnership for Civic and Transit Infrastructure Project Act.

Fiscal Year.....	Total Deposit
2024	\$200,000,000
2025	\$206,000,000
2026	\$212,200,000
2027	\$218,500,000
2028	\$225,100,000
2029	\$288,700,000
2030	\$298,900,000
2031	\$309,300,000
2032	\$320,100,000
2033	\$331,200,000
2034	\$341,200,000
2035	\$351,400,000
2036	\$361,900,000
2037	\$372,800,000
2038	\$384,000,000

1	2039	\$395,500,000
2	2040	\$407,400,000
3	2041	\$419,600,000
4	2042	\$432,200,000
5	2043	\$445,100,000

6 Beginning July 1, 2021 and until July 1, 2022, subject to
7 the payment of amounts into the State and Local Sales Tax
8 Reform Fund, the Build Illinois Fund, the McCormick Place
9 Expansion Project Fund, the Energy Infrastructure Fund, and
10 the Tax Compliance and Administration Fund as provided in this
11 Section, the Department shall pay each month into the Road
12 Fund the amount estimated to represent 16% of the net revenue
13 realized from the taxes imposed on motor fuel and gasohol.
14 Beginning July 1, 2022 and until July 1, 2023, subject to the
15 payment of amounts into the State and Local Sales Tax Reform
16 Fund, the Build Illinois Fund, the McCormick Place Expansion
17 Project Fund, the Illinois Tax Increment Fund, and the Tax
18 Compliance and Administration Fund as provided in this
19 Section, the Department shall pay each month into the Road
20 Fund the amount estimated to represent 32% of the net revenue
21 realized from the taxes imposed on motor fuel and gasohol.
22 Beginning July 1, 2023 and until July 1, 2024, subject to the
23 payment of amounts into the State and Local Sales Tax Reform
24 Fund, the Build Illinois Fund, the McCormick Place Expansion
25 Project Fund, the Illinois Tax Increment Fund, and the Tax
26 Compliance and Administration Fund as provided in this

1 Section, the Department shall pay each month into the Road
2 Fund the amount estimated to represent 48% of the net revenue
3 realized from the taxes imposed on motor fuel and gasohol.
4 Beginning July 1, 2024 and until July 1, 2025, subject to the
5 payment of amounts into the State and Local Sales Tax Reform
6 Fund, the Build Illinois Fund, the McCormick Place Expansion
7 Project Fund, the Illinois Tax Increment Fund, and the Tax
8 Compliance and Administration Fund as provided in this
9 Section, the Department shall pay each month into the Road
10 Fund the amount estimated to represent 64% of the net revenue
11 realized from the taxes imposed on motor fuel and gasohol.
12 Beginning on July 1, 2025, subject to the payment of amounts
13 into the State and Local Sales Tax Reform Fund, the Build
14 Illinois Fund, the McCormick Place Expansion Project Fund, the
15 Illinois Tax Increment Fund, and the Tax Compliance and
16 Administration Fund as provided in this Section, the
17 Department shall pay each month into the Road Fund the amount
18 estimated to represent 80% of the net revenue realized from
19 the taxes imposed on motor fuel and gasohol. As used in this
20 paragraph "motor fuel" has the meaning given to that term in
21 Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the
22 meaning given to that term in Section 3-40 of the Use Tax Act.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% thereof shall be paid into the
25 General Revenue Fund of the State treasury ~~Treasury~~ and 25%
26 shall be reserved in a special account and used only for the

1 transfer to the Common School Fund as part of the monthly
2 transfer from the General Revenue Fund in accordance with
3 Section 8a of the State Finance Act.

4 As soon as possible after the first day of each month, upon
5 certification of the Department of Revenue, the Comptroller
6 shall order transferred and the Treasurer shall transfer from
7 the General Revenue Fund to the Motor Fuel Tax Fund an amount
8 equal to 1.7% of 80% of the net revenue realized under this Act
9 for the second preceding month. Beginning April 1, 2000, this
10 transfer is no longer required and shall not be made.

11 Net revenue realized for a month shall be the revenue
12 collected by the State pursuant to this Act, less the amount
13 paid out during that month as refunds to taxpayers for
14 overpayment of liability.

15 (Source: P.A. 102-700, eff. 4-19-22; 103-363, eff. 7-28-23;
16 103-592, Article 75, Section 75-10, eff. 1-1-25; 103-592,
17 Article 110, Section 110-10, eff. 6-7-24; revised 11-26-24.)

18 Section 300. The Service Occupation Tax Act is amended by
19 changing Sections 3-5 and 3-10 as follows:

20 (35 ILCS 115/3-5)

21 Sec. 3-5. Exemptions. The following tangible personal
22 property is exempt from the tax imposed by this Act:

23 (1) Personal property sold by a corporation, society,
24 association, foundation, institution, or organization, other

1 than a limited liability company, that is organized and
2 operated as a not-for-profit service enterprise for the
3 benefit of persons 65 years of age or older if the personal
4 property was not purchased by the enterprise for the purpose
5 of resale by the enterprise.

6 (2) Personal property purchased by a not-for-profit
7 Illinois county fair association for use in conducting,
8 operating, or promoting the county fair.

9 (3) Personal property purchased by any not-for-profit arts
10 or cultural organization that establishes, by proof required
11 by the Department by rule, that it has received an exemption
12 under Section 501(c)(3) of the Internal Revenue Code and that
13 is organized and operated primarily for the presentation or
14 support of arts or cultural programming, activities, or
15 services. These organizations include, but are not limited to,
16 music and dramatic arts organizations such as symphony
17 orchestras and theatrical groups, arts and cultural service
18 organizations, local arts councils, visual arts organizations,
19 and media arts organizations. On and after July 1, 2001 (the
20 effective date of Public Act 92-35), however, an entity
21 otherwise eligible for this exemption shall not make tax-free
22 purchases unless it has an active identification number issued
23 by the Department.

24 (4) Legal tender, currency, medallions, or gold or silver
25 coinage issued by the State of Illinois, the government of the
26 United States of America, or the government of any foreign

1 country, and bullion.

2 (5) Until July 1, 2003 and beginning again on September 1,
3 2004 through August 30, 2014, graphic arts machinery and
4 equipment, including repair and replacement parts, both new
5 and used, and including that manufactured on special order or
6 purchased for lease, certified by the purchaser to be used
7 primarily for graphic arts production. Equipment includes
8 chemicals or chemicals acting as catalysts but only if the
9 chemicals or chemicals acting as catalysts effect a direct and
10 immediate change upon a graphic arts product. Beginning on
11 July 1, 2017, graphic arts machinery and equipment is included
12 in the manufacturing and assembling machinery and equipment
13 exemption under Section 2 of this Act.

14 (6) Personal property sold by a teacher-sponsored student
15 organization affiliated with an elementary or secondary school
16 located in Illinois.

17 (7) Farm machinery and equipment, both new and used,
18 including that manufactured on special order, certified by the
19 purchaser to be used primarily for production agriculture or
20 State or federal agricultural programs, including individual
21 replacement parts for the machinery and equipment, including
22 machinery and equipment purchased for lease, and including
23 implements of husbandry defined in Section 1-130 of the
24 Illinois Vehicle Code, farm machinery and agricultural
25 chemical and fertilizer spreaders, and nurse wagons required
26 to be registered under Section 3-809 of the Illinois Vehicle

1 Code, but excluding other motor vehicles required to be
2 registered under the Illinois Vehicle Code. Horticultural
3 polyhouses or hoop houses used for propagating, growing, or
4 overwintering plants shall be considered farm machinery and
5 equipment under this item (7). Agricultural chemical tender
6 tanks and dry boxes shall include units sold separately from a
7 motor vehicle required to be licensed and units sold mounted
8 on a motor vehicle required to be licensed if the selling price
9 of the tender is separately stated.

10 Farm machinery and equipment shall include precision
11 farming equipment that is installed or purchased to be
12 installed on farm machinery and equipment, including, but not
13 limited to, tractors, harvesters, sprayers, planters, seeders,
14 or spreaders. Precision farming equipment includes, but is not
15 limited to, soil testing sensors, computers, monitors,
16 software, global positioning and mapping systems, and other
17 such equipment.

18 Farm machinery and equipment also includes computers,
19 sensors, software, and related equipment used primarily in the
20 computer-assisted operation of production agriculture
21 facilities, equipment, and activities such as, but not limited
22 to, the collection, monitoring, and correlation of animal and
23 crop data for the purpose of formulating animal diets and
24 agricultural chemicals.

25 Beginning on January 1, 2024, farm machinery and equipment
26 also includes electrical power generation equipment used

1 primarily for production agriculture.

2 This item (7) is exempt from the provisions of Section
3 3-55.

4 (8) Until June 30, 2013, fuel and petroleum products sold
5 to or used by an air common carrier, certified by the carrier
6 to be used for consumption, shipment, or storage in the
7 conduct of its business as an air common carrier, for a flight
8 destined for or returning from a location or locations outside
9 the United States without regard to previous or subsequent
10 domestic stopovers.

11 Beginning July 1, 2013, fuel and petroleum products sold
12 to or used by an air carrier, certified by the carrier to be
13 used for consumption, shipment, or storage in the conduct of
14 its business as an air common carrier, for a flight that (i) is
15 engaged in foreign trade or is engaged in trade between the
16 United States and any of its possessions and (ii) transports
17 at least one individual or package for hire from the city of
18 origination to the city of final destination on the same
19 aircraft, without regard to a change in the flight number of
20 that aircraft.

21 (9) Proceeds of mandatory service charges separately
22 stated on customers' bills for the purchase and consumption of
23 food and beverages, to the extent that the proceeds of the
24 service charge are in fact turned over as tips or as a
25 substitute for tips to the employees who participate directly
26 in preparing, serving, hosting or cleaning up the food or

1 beverage function with respect to which the service charge is
2 imposed.

3 (10) Until July 1, 2003, oil field exploration, drilling,
4 and production equipment, including (i) rigs and parts of
5 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
6 pipe and tubular goods, including casing and drill strings,
7 (iii) pumps and pump-jack units, (iv) storage tanks and flow
8 lines, (v) any individual replacement part for oil field
9 exploration, drilling, and production equipment, and (vi)
10 machinery and equipment purchased for lease; but excluding
11 motor vehicles required to be registered under the Illinois
12 Vehicle Code.

13 (11) Photoprocessing machinery and equipment, including
14 repair and replacement parts, both new and used, including
15 that manufactured on special order, certified by the purchaser
16 to be used primarily for photoprocessing, and including
17 photoprocessing machinery and equipment purchased for lease.

18 (12) Until July 1, 2028, coal and aggregate exploration,
19 mining, off-highway hauling, processing, maintenance, and
20 reclamation equipment, including replacement parts and
21 equipment, and including equipment purchased for lease, but
22 excluding motor vehicles required to be registered under the
23 Illinois Vehicle Code. The changes made to this Section by
24 Public Act 97-767 apply on and after July 1, 2003, but no claim
25 for credit or refund is allowed on or after August 16, 2013
26 (the effective date of Public Act 98-456) for such taxes paid

1 during the period beginning July 1, 2003 and ending on August
2 16, 2013 (the effective date of Public Act 98-456).

3 (13) Beginning January 1, 1992 and through June 30, 2016,
4 food for human consumption that is to be consumed off the
5 premises where it is sold (other than alcoholic beverages,
6 soft drinks and food that has been prepared for immediate
7 consumption) and prescription and non-prescription medicines,
8 drugs, medical appliances, and insulin, urine testing
9 materials, syringes, and needles used by diabetics, for human
10 use, when purchased for use by a person receiving medical
11 assistance under Article V of the Illinois Public Aid Code who
12 resides in a licensed long-term care facility, as defined in
13 the Nursing Home Care Act, or in a licensed facility as defined
14 in the ID/DD Community Care Act, the MC/DD Act, or the
15 Specialized Mental Health Rehabilitation Act of 2013.

16 (14) Semen used for artificial insemination of livestock
17 for direct agricultural production.

18 (15) Horses, or interests in horses, registered with and
19 meeting the requirements of any of the Arabian Horse Club
20 Registry of America, Appaloosa Horse Club, American Quarter
21 Horse Association, United States Trotting Association, or
22 Jockey Club, as appropriate, used for purposes of breeding or
23 racing for prizes. This item (15) is exempt from the
24 provisions of Section 3-55, and the exemption provided for
25 under this item (15) applies for all periods beginning May 30,
26 1995, but no claim for credit or refund is allowed on or after

1 January 1, 2008 (the effective date of Public Act 95-88) for
2 such taxes paid during the period beginning May 30, 2000 and
3 ending on January 1, 2008 (the effective date of Public Act
4 95-88).

5 (16) Computers and communications equipment utilized for
6 any hospital purpose and equipment used in the diagnosis,
7 analysis, or treatment of hospital patients sold to a lessor
8 who leases the equipment, under a lease of one year or longer
9 executed or in effect at the time of the purchase, to a
10 hospital that has been issued an active tax exemption
11 identification number by the Department under Section 1g of
12 the Retailers' Occupation Tax Act.

13 (17) Personal property sold to a lessor who leases the
14 property, under a lease of one year or longer executed or in
15 effect at the time of the purchase, to a governmental body that
16 has been issued an active tax exemption identification number
17 by the Department under Section 1g of the Retailers'
18 Occupation Tax Act.

19 (18) Beginning with taxable years ending on or after
20 December 31, 1995 and ending with taxable years ending on or
21 before December 31, 2004, personal property that is donated
22 for disaster relief to be used in a State or federally declared
23 disaster area in Illinois or bordering Illinois by a
24 manufacturer or retailer that is registered in this State to a
25 corporation, society, association, foundation, or institution
26 that has been issued a sales tax exemption identification

1 number by the Department that assists victims of the disaster
2 who reside within the declared disaster area.

3 (19) Beginning with taxable years ending on or after
4 December 31, 1995 and ending with taxable years ending on or
5 before December 31, 2004, personal property that is used in
6 the performance of infrastructure repairs in this State,
7 including, but not limited to, municipal roads and streets,
8 access roads, bridges, sidewalks, waste disposal systems,
9 water and sewer line extensions, water distribution and
10 purification facilities, storm water drainage and retention
11 facilities, and sewage treatment facilities, resulting from a
12 State or federally declared disaster in Illinois or bordering
13 Illinois when such repairs are initiated on facilities located
14 in the declared disaster area within 6 months after the
15 disaster.

16 (20) Beginning July 1, 1999, game or game birds sold at a
17 "game breeding and hunting preserve area" as that term is used
18 in the Wildlife Code. This paragraph is exempt from the
19 provisions of Section 3-55.

20 (21) A motor vehicle, as that term is defined in Section
21 1-146 of the Illinois Vehicle Code, that is donated to a
22 corporation, limited liability company, society, association,
23 foundation, or institution that is determined by the
24 Department to be organized and operated exclusively for
25 educational purposes. For purposes of this exemption, "a
26 corporation, limited liability company, society, association,

1 foundation, or institution organized and operated exclusively
2 for educational purposes" means all tax-supported public
3 schools, private schools that offer systematic instruction in
4 useful branches of learning by methods common to public
5 schools and that compare favorably in their scope and
6 intensity with the course of study presented in tax-supported
7 schools, and vocational or technical schools or institutes
8 organized and operated exclusively to provide a course of
9 study of not less than 6 weeks duration and designed to prepare
10 individuals to follow a trade or to pursue a manual,
11 technical, mechanical, industrial, business, or commercial
12 occupation.

13 (22) Beginning January 1, 2000, personal property,
14 including food, purchased through fundraising events for the
15 benefit of a public or private elementary or secondary school,
16 a group of those schools, or one or more school districts if
17 the events are sponsored by an entity recognized by the school
18 district that consists primarily of volunteers and includes
19 parents and teachers of the school children. This paragraph
20 does not apply to fundraising events (i) for the benefit of
21 private home instruction or (ii) for which the fundraising
22 entity purchases the personal property sold at the events from
23 another individual or entity that sold the property for the
24 purpose of resale by the fundraising entity and that profits
25 from the sale to the fundraising entity. This paragraph is
26 exempt from the provisions of Section 3-55.

1 (23) Beginning January 1, 2000 and through December 31,
2 2001, new or used automatic vending machines that prepare and
3 serve hot food and beverages, including coffee, soup, and
4 other items, and replacement parts for these machines.
5 Beginning January 1, 2002 and through June 30, 2003, machines
6 and parts for machines used in commercial, coin-operated
7 amusement and vending business if a use or occupation tax is
8 paid on the gross receipts derived from the use of the
9 commercial, coin-operated amusement and vending machines. This
10 paragraph is exempt from the provisions of Section 3-55.

11 (24) Beginning on August 2, 2001 (the effective date of
12 Public Act 92-227), computers and communications equipment
13 utilized for any hospital purpose and equipment used in the
14 diagnosis, analysis, or treatment of hospital patients sold to
15 a lessor who leases the equipment, under a lease of one year or
16 longer executed or in effect at the time of the purchase, to a
17 hospital that has been issued an active tax exemption
18 identification number by the Department under Section 1g of
19 the Retailers' Occupation Tax Act. This paragraph is exempt
20 from the provisions of Section 3-55.

21 (25) Beginning on August 2, 2001 (the effective date of
22 Public Act 92-227), personal property sold to a lessor who
23 leases the property, under a lease of one year or longer
24 executed or in effect at the time of the purchase, to a
25 governmental body that has been issued an active tax exemption
26 identification number by the Department under Section 1g of

1 the Retailers' Occupation Tax Act. This paragraph is exempt
2 from the provisions of Section 3-55.

3 (26) Beginning on January 1, 2002 and through June 30,
4 2016, tangible personal property purchased from an Illinois
5 retailer by a taxpayer engaged in centralized purchasing
6 activities in Illinois who will, upon receipt of the property
7 in Illinois, temporarily store the property in Illinois (i)
8 for the purpose of subsequently transporting it outside this
9 State for use or consumption thereafter solely outside this
10 State or (ii) for the purpose of being processed, fabricated,
11 or manufactured into, attached to, or incorporated into other
12 tangible personal property to be transported outside this
13 State and thereafter used or consumed solely outside this
14 State. The Director of Revenue shall, pursuant to rules
15 adopted in accordance with the Illinois Administrative
16 Procedure Act, issue a permit to any taxpayer in good standing
17 with the Department who is eligible for the exemption under
18 this paragraph (26). The permit issued under this paragraph
19 (26) shall authorize the holder, to the extent and in the
20 manner specified in the rules adopted under this Act, to
21 purchase tangible personal property from a retailer exempt
22 from the taxes imposed by this Act. Taxpayers shall maintain
23 all necessary books and records to substantiate the use and
24 consumption of all such tangible personal property outside of
25 the State of Illinois.

26 (27) Beginning January 1, 2008, tangible personal property

1 used in the construction or maintenance of a community water
2 supply, as defined under Section 3.145 of the Environmental
3 Protection Act, that is operated by a not-for-profit
4 corporation that holds a valid water supply permit issued
5 under Title IV of the Environmental Protection Act. This
6 paragraph is exempt from the provisions of Section 3-55.

7 (28) Tangible personal property sold to a
8 public-facilities corporation, as described in Section
9 11-65-10 of the Illinois Municipal Code, for purposes of
10 constructing or furnishing a municipal convention hall, but
11 only if the legal title to the municipal convention hall is
12 transferred to the municipality without any further
13 consideration by or on behalf of the municipality at the time
14 of the completion of the municipal convention hall or upon the
15 retirement or redemption of any bonds or other debt
16 instruments issued by the public-facilities corporation in
17 connection with the development of the municipal convention
18 hall. This exemption includes existing public-facilities
19 corporations as provided in Section 11-65-25 of the Illinois
20 Municipal Code. This paragraph is exempt from the provisions
21 of Section 3-55.

22 (29) Beginning January 1, 2010 and continuing through
23 December 31, 2029, materials, parts, equipment, components,
24 and furnishings incorporated into or upon an aircraft as part
25 of the modification, refurbishment, completion, replacement,
26 repair, or maintenance of the aircraft. This exemption

1 includes consumable supplies used in the modification,
2 refurbishment, completion, replacement, repair, and
3 maintenance of aircraft. However, until January 1, 2024, this
4 exemption excludes any materials, parts, equipment,
5 components, and consumable supplies used in the modification,
6 replacement, repair, and maintenance of aircraft engines or
7 power plants, whether such engines or power plants are
8 installed or uninstalled upon any such aircraft. "Consumable
9 supplies" include, but are not limited to, adhesive, tape,
10 sandpaper, general purpose lubricants, cleaning solution,
11 latex gloves, and protective films.

12 Beginning January 1, 2010 and continuing through December
13 31, 2023, this exemption applies only to the transfer of
14 qualifying tangible personal property incident to the
15 modification, refurbishment, completion, replacement, repair,
16 or maintenance of an aircraft by persons who (i) hold an Air
17 Agency Certificate and are empowered to operate an approved
18 repair station by the Federal Aviation Administration, (ii)
19 have a Class IV Rating, and (iii) conduct operations in
20 accordance with Part 145 of the Federal Aviation Regulations.
21 The exemption does not include aircraft operated by a
22 commercial air carrier providing scheduled passenger air
23 service pursuant to authority issued under Part 121 or Part
24 129 of the Federal Aviation Regulations. From January 1, 2024
25 through December 31, 2029, this exemption applies only to the
26 transfer of qualifying tangible personal property incident to:

1 (A) the modification, refurbishment, completion, repair,
2 replacement, or maintenance of an aircraft by persons who (i)
3 hold an Air Agency Certificate and are empowered to operate an
4 approved repair station by the Federal Aviation
5 Administration, (ii) have a Class IV Rating, and (iii) conduct
6 operations in accordance with Part 145 of the Federal Aviation
7 Regulations; and (B) the modification, replacement, repair,
8 and maintenance of aircraft engines or power plants without
9 regard to whether or not those persons meet the qualifications
10 of item (A).

11 The changes made to this paragraph (29) by Public Act
12 98-534 are declarative of existing law. It is the intent of the
13 General Assembly that the exemption under this paragraph (29)
14 applies continuously from January 1, 2010 through December 31,
15 2024; however, no claim for credit or refund is allowed for
16 taxes paid as a result of the disallowance of this exemption on
17 or after January 1, 2015 and prior to February 5, 2020 (the
18 effective date of Public Act 101-629).

19 (30) Beginning January 1, 2017 and through December 31,
20 2026, menstrual pads, tampons, and menstrual cups.

21 (31) Tangible personal property transferred to a purchaser
22 who is exempt from tax by operation of federal law. This
23 paragraph is exempt from the provisions of Section 3-55.

24 (32) Qualified tangible personal property used in the
25 construction or operation of a data center that has been
26 granted a certificate of exemption by the Department of

1 Commerce and Economic Opportunity, whether that tangible
2 personal property is purchased by the owner, operator, or
3 tenant of the data center or by a contractor or subcontractor
4 of the owner, operator, or tenant. Data centers that would
5 have qualified for a certificate of exemption prior to January
6 1, 2020 had Public Act 101-31 been in effect, may apply for and
7 obtain an exemption for subsequent purchases of computer
8 equipment or enabling software purchased or leased to upgrade,
9 supplement, or replace computer equipment or enabling software
10 purchased or leased in the original investment that would have
11 qualified.

12 The Department of Commerce and Economic Opportunity shall
13 grant a certificate of exemption under this item (32) to
14 qualified data centers as defined by Section 605-1025 of the
15 Department of Commerce and Economic Opportunity Law of the
16 Civil Administrative Code of Illinois.

17 For the purposes of this item (32):

18 "Data center" means a building or a series of
19 buildings rehabilitated or constructed to house working
20 servers in one physical location or multiple sites within
21 the State of Illinois.

22 "Qualified tangible personal property" means:
23 electrical systems and equipment; climate control and
24 chilling equipment and systems; mechanical systems and
25 equipment; monitoring and secure systems; emergency
26 generators; hardware; computers; servers; data storage

1 devices; network connectivity equipment; racks; cabinets;
2 telecommunications cabling infrastructure; raised floor
3 systems; peripheral components or systems; software;
4 mechanical, electrical, or plumbing systems; battery
5 systems; cooling systems and towers; temperature control
6 systems; other cabling; and other data center
7 infrastructure equipment and systems necessary to operate
8 qualified tangible personal property, including fixtures;
9 and component parts of any of the foregoing, including
10 installation, maintenance, repair, refurbishment, and
11 replacement of qualified tangible personal property to
12 generate, transform, transmit, distribute, or manage
13 electricity necessary to operate qualified tangible
14 personal property; and all other tangible personal
15 property that is essential to the operations of a computer
16 data center. The term "qualified tangible personal
17 property" also includes building materials physically
18 incorporated into the qualifying data center. To document
19 the exemption allowed under this Section, the retailer
20 must obtain from the purchaser a copy of the certificate
21 of eligibility issued by the Department of Commerce and
22 Economic Opportunity.

23 This item (32) is exempt from the provisions of Section
24 3-55.

25 (33) Beginning July 1, 2022, breast pumps, breast pump
26 collection and storage supplies, and breast pump kits. This

1 item (33) is exempt from the provisions of Section 3-55. As
2 used in this item (33):

3 "Breast pump" means an electrically controlled or
4 manually controlled pump device designed or marketed to be
5 used to express milk from a human breast during lactation,
6 including the pump device and any battery, AC adapter, or
7 other power supply unit that is used to power the pump
8 device and is packaged and sold with the pump device at the
9 time of sale.

10 "Breast pump collection and storage supplies" means
11 items of tangible personal property designed or marketed
12 to be used in conjunction with a breast pump to collect
13 milk expressed from a human breast and to store collected
14 milk until it is ready for consumption.

15 "Breast pump collection and storage supplies"
16 includes, but is not limited to: breast shields and breast
17 shield connectors; breast pump tubes and tubing adapters;
18 breast pump valves and membranes; backflow protectors and
19 backflow protector adaptors; bottles and bottle caps
20 specific to the operation of the breast pump; and breast
21 milk storage bags.

22 "Breast pump collection and storage supplies" does not
23 include: (1) bottles and bottle caps not specific to the
24 operation of the breast pump; (2) breast pump travel bags
25 and other similar carrying accessories, including ice
26 packs, labels, and other similar products; (3) breast pump

1 cleaning supplies; (4) nursing bras, bra pads, breast
2 shells, and other similar products; and (5) creams,
3 ointments, and other similar products that relieve
4 breastfeeding-related symptoms or conditions of the
5 breasts or nipples, unless sold as part of a breast pump
6 kit that is pre-packaged by the breast pump manufacturer
7 or distributor.

8 "Breast pump kit" means a kit that: (1) contains no
9 more than a breast pump, breast pump collection and
10 storage supplies, a rechargeable battery for operating the
11 breast pump, a breastmilk cooler, bottle stands, ice
12 packs, and a breast pump carrying case; and (2) is
13 pre-packaged as a breast pump kit by the breast pump
14 manufacturer or distributor.

15 (34) Tangible personal property sold by or on behalf of
16 the State Treasurer pursuant to the Revised Uniform Unclaimed
17 Property Act. This item (34) is exempt from the provisions of
18 Section 3-55.

19 (35) Beginning on January 1, 2024, tangible personal
20 property purchased by an active duty member of the armed
21 forces of the United States who presents valid military
22 identification and purchases the property using a form of
23 payment where the federal government is the payor. The member
24 of the armed forces must complete, at the point of sale, a form
25 prescribed by the Department of Revenue documenting that the
26 transaction is eligible for the exemption under this

1 paragraph. Retailers must keep the form as documentation of
2 the exemption in their records for a period of not less than 6
3 years. "Armed forces of the United States" means the United
4 States Army, Navy, Air Force, Space Force, Marine Corps, or
5 Coast Guard. This paragraph is exempt from the provisions of
6 Section 3-55.

7 (36) Beginning July 1, 2024, home-delivered meals provided
8 to Medicare or Medicaid recipients when payment is made by an
9 intermediary, such as a Medicare Administrative Contractor, a
10 Managed Care Organization, or a Medicare Advantage
11 Organization, pursuant to a government contract. This
12 paragraph (36) ~~(35)~~ is exempt from the provisions of Section
13 3-55.

14 (37) ~~(36)~~ Beginning on January 1, 2026, as further defined
15 in Section 3-10, food prepared for immediate consumption and
16 transferred incident to a sale of service subject to this Act
17 or the Service Use Tax Act by an entity licensed under the
18 Hospital Licensing Act, the Nursing Home Care Act, the
19 Assisted Living and Shared Housing Act, the ID/DD Community
20 Care Act, the MC/DD Act, the Specialized Mental Health
21 Rehabilitation Act of 2013, or the Child Care Act of 1969 or by
22 an entity that holds a permit issued pursuant to the Life Care
23 Facilities Act. This item (37) ~~(36)~~ is exempt from the
24 provisions of Section 3-55.

25 (38) ~~(37)~~ Beginning on January 1, 2026, as further defined
26 in Section 3-10, food for human consumption that is to be

1 consumed off the premises where it is sold (other than
2 alcoholic beverages, food consisting of or infused with adult
3 use cannabis, soft drinks, candy, and food that has been
4 prepared for immediate consumption). This item (38) ~~(37)~~ is
5 exempt from the provisions of Section 3-55.

6 (39) ~~(36)~~ The lease of the following tangible personal
7 property:

8 (1) computer software transferred subject to a license
9 that meets the following requirements:

10 (A) it is evidenced by a written agreement signed
11 by the licensor and the customer;

12 (i) an electronic agreement in which the
13 customer accepts the license by means of an
14 electronic signature that is verifiable and can be
15 authenticated and is attached to or made part of
16 the license will comply with this requirement;

17 (ii) a license agreement in which the customer
18 electronically accepts the terms by clicking "I
19 agree" does not comply with this requirement;

20 (B) it restricts the customer's duplication and
21 use of the software;

22 (C) it prohibits the customer from licensing,
23 sublicensing, or transferring the software to a third
24 party (except to a related party) without the
25 permission and continued control of the licensor;

26 (D) the licensor has a policy of providing another

1 copy at minimal or no charge if the customer loses or
2 damages the software, or of permitting the licensee to
3 make and keep an archival copy, and such policy is
4 either stated in the license agreement, supported by
5 the licensor's books and records, or supported by a
6 notarized statement made under penalties of perjury by
7 the licensor; and

8 (E) the customer must destroy or return all copies
9 of the software to the licensor at the end of the
10 license period; this provision is deemed to be met, in
11 the case of a perpetual license, without being set
12 forth in the license agreement; and

13 (2) property that is subject to a tax on lease
14 receipts imposed by a home rule unit of local government
15 if the ordinance imposing that tax was adopted prior to
16 January 1, 2023.

17 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,
18 Section 70-15, eff. 4-19-22; 102-700, Article 75, Section
19 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,
20 Section 5-15, eff. 6-7-23; 103-9, Article 15, Section 15-15,
21 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;
22 103-592, eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff.
23 7-1-24; 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; 103-995,
24 eff. 8-9-24; revised 11-26-24.)

25 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

1 Sec. 3-10. Rate of tax. Unless otherwise provided in this
2 Section, the tax imposed by this Act is at the rate of 6.25% of
3 the "selling price", as defined in Section 2 of the Service Use
4 Tax Act, of the tangible personal property, including, on and
5 after January 1, 2025, tangible personal property transferred
6 by lease. For the purpose of computing this tax, in no event
7 shall the "selling price" be less than the cost price to the
8 serviceman of the tangible personal property transferred. The
9 selling price of each item of tangible personal property
10 transferred as an incident of a sale of service may be shown as
11 a distinct and separate item on the serviceman's billing to
12 the service customer. If the selling price is not so shown, the
13 selling price of the tangible personal property is deemed to
14 be 50% of the serviceman's entire billing to the service
15 customer. When, however, a serviceman contracts to design,
16 develop, and produce special order machinery or equipment, the
17 tax imposed by this Act shall be based on the serviceman's cost
18 price of the tangible personal property transferred incident
19 to the completion of the contract.

20 Beginning on July 1, 2000 and through December 31, 2000,
21 with respect to motor fuel, as defined in Section 1.1 of the
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, as defined in the Use Tax Act, the
25 tax imposed by this Act shall apply to (i) 70% of the cost
26 price of property transferred as an incident to the sale of

1 service on or after January 1, 1990, and before July 1, 2003,
2 (ii) 80% of the selling price of property transferred as an
3 incident to the sale of service on or after July 1, 2003 and on
4 or before July 1, 2017, (iii) 100% of the selling price of
5 property transferred as an incident to the sale of service
6 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of
7 the selling price of property transferred as an incident to
8 the sale of service on or after January 1, 2024 and on or
9 before December 31, 2028, and (v) 100% of the selling price of
10 property transferred as an incident to the sale of service
11 after December 31, 2028. If, at any time, however, the tax
12 under this Act on sales of gasohol, as defined in the Use Tax
13 Act, is imposed at the rate of 1.25%, then the tax imposed by
14 this Act applies to 100% of the proceeds of sales of gasohol
15 made during that time.

16 With respect to mid-range ethanol blends, as defined in
17 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
18 applies to (i) 80% of the selling price of property
19 transferred as an incident to the sale of service on or after
20 January 1, 2024 and on or before December 31, 2028 and (ii)
21 100% of the selling price of property transferred as an
22 incident to the sale of service after December 31, 2028. If, at
23 any time, however, the tax under this Act on sales of mid-range
24 ethanol blends is imposed at the rate of 1.25%, then the tax
25 imposed by this Act applies to 100% of the selling price of
26 mid-range ethanol blends transferred as an incident to the

1 sale of service during that time.

2 With respect to majority blended ethanol fuel, as defined
3 in the Use Tax Act, the tax imposed by this Act does not apply
4 to the selling price of property transferred as an incident to
5 the sale of service on or after July 1, 2003 and on or before
6 December 31, 2028 but applies to 100% of the selling price
7 thereafter.

8 With respect to biodiesel blends, as defined in the Use
9 Tax Act, with no less than 1% and no more than 10% biodiesel,
10 the tax imposed by this Act applies to (i) 80% of the selling
11 price of property transferred as an incident to the sale of
12 service on or after July 1, 2003 and on or before December 31,
13 2018 and (ii) 100% of the proceeds of the selling price after
14 December 31, 2018 and before January 1, 2024. On and after
15 January 1, 2024 and on or before December 31, 2030, the
16 taxation of biodiesel, renewable diesel, and biodiesel blends
17 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
18 at any time, however, the tax under this Act on sales of
19 biodiesel blends, as defined in the Use Tax Act, with no less
20 than 1% and no more than 10% biodiesel is imposed at the rate
21 of 1.25%, then the tax imposed by this Act applies to 100% of
22 the proceeds of sales of biodiesel blends with no less than 1%
23 and no more than 10% biodiesel made during that time.

24 With respect to biodiesel, as defined in the Use Tax Act,
25 and biodiesel blends, as defined in the Use Tax Act, with more
26 than 10% but no more than 99% biodiesel material, the tax

1 imposed by this Act does not apply to the proceeds of the
2 selling price of property transferred as an incident to the
3 sale of service on or after July 1, 2003 and on or before
4 December 31, 2023. On and after January 1, 2024 and on or
5 before December 31, 2030, the taxation of biodiesel, renewable
6 diesel, and biodiesel blends shall be as provided in Section
7 3-5.1 of the Use Tax Act.

8 At the election of any registered serviceman made for each
9 fiscal year, sales of service in which the aggregate annual
10 cost price of tangible personal property transferred as an
11 incident to the sales of service is less than 35%, or 75% in
12 the case of servicemen transferring prescription drugs or
13 servicemen engaged in graphic arts production, of the
14 aggregate annual total gross receipts from all sales of
15 service, the tax imposed by this Act shall be based on the
16 serviceman's cost price of the tangible personal property
17 transferred incident to the sale of those services.

18 Until July 1, 2022 and from July 1, 2023 through December
19 31, 2025, the tax shall be imposed at the rate of 1% on food
20 prepared for immediate consumption and transferred incident to
21 a sale of service subject to this Act or the Service Use Tax
22 Act by an entity licensed under the Hospital Licensing Act,
23 the Nursing Home Care Act, the Assisted Living and Shared
24 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
25 Specialized Mental Health Rehabilitation Act of 2013, or the
26 Child Care Act of 1969, or an entity that holds a permit issued

1 pursuant to the Life Care Facilities Act. Until July 1, 2022
2 and from July 1, 2023 through December 31, 2025, the tax shall
3 also be imposed at the rate of 1% on food for human consumption
4 that is to be consumed off the premises where it is sold (other
5 than alcoholic beverages, food consisting of or infused with
6 adult use cannabis, soft drinks, and food that has been
7 prepared for immediate consumption and is not otherwise
8 included in this paragraph).

9 Beginning on July 1, 2022 and until July 1, 2023, the tax
10 shall be imposed at the rate of 0% on food prepared for
11 immediate consumption and transferred incident to a sale of
12 service subject to this Act or the Service Use Tax Act by an
13 entity licensed under the Hospital Licensing Act, the Nursing
14 Home Care Act, the Assisted Living and Shared Housing Act, the
15 ID/DD Community Care Act, the MC/DD Act, the Specialized
16 Mental Health Rehabilitation Act of 2013, or the Child Care
17 Act of 1969, or an entity that holds a permit issued pursuant
18 to the Life Care Facilities Act. Beginning July 1, 2022 and
19 until July 1, 2023, the tax shall also be imposed at the rate
20 of 0% on food for human consumption that is to be consumed off
21 the premises where it is sold (other than alcoholic beverages,
22 food consisting of or infused with adult use cannabis, soft
23 drinks, and food that has been prepared for immediate
24 consumption and is not otherwise included in this paragraph).

25 On and after January 1, 2026, food prepared for immediate
26 consumption and transferred incident to a sale of service

1 subject to this Act or the Service Use Tax Act by an entity
2 licensed under the Hospital Licensing Act, the Nursing Home
3 Care Act, the Assisted Living and Shared Housing Act, the
4 ID/DD Community Care Act, the MC/DD Act, the Specialized
5 Mental Health Rehabilitation Act of 2013, or the Child Care
6 Act of 1969, or an entity that holds a permit issued pursuant
7 to the Life Care Facilities Act is exempt from the tax imposed
8 by this Act. On and after January 1, 2026, food for human
9 consumption that is to be consumed off the premises where it is
10 sold (other than alcoholic beverages, food consisting of or
11 infused with adult use cannabis, soft drinks, candy, and food
12 that has been prepared for immediate consumption and is not
13 otherwise included in this paragraph) is exempt from the tax
14 imposed by this Act.

15 The tax shall be imposed at the rate of 1% on prescription
16 and nonprescription medicines, drugs, medical appliances,
17 products classified as Class III medical devices by the United
18 States Food and Drug Administration that are used for cancer
19 treatment pursuant to a prescription, as well as any
20 accessories and components related to those devices,
21 modifications to a motor vehicle for the purpose of rendering
22 it usable by a person with a disability, and insulin, blood
23 sugar testing materials, syringes, and needles used by human
24 diabetics. For the purposes of this Section, until September
25 1, 2009: the term "soft drinks" means any complete, finished,
26 ready-to-use, non-alcoholic drink, whether carbonated or not,

1 including, but not limited to, soda water, cola, fruit juice,
2 vegetable juice, carbonated water, and all other preparations
3 commonly known as soft drinks of whatever kind or description
4 that are contained in any closed or sealed can, carton, or
5 container, regardless of size; but "soft drinks" does not
6 include coffee, tea, non-carbonated water, infant formula,
7 milk or milk products as defined in the Grade A Pasteurized
8 Milk and Milk Products Act, or drinks containing 50% or more
9 natural fruit or vegetable juice.

10 Notwithstanding any other provisions of this Act,
11 beginning September 1, 2009, "soft drinks" means non-alcoholic
12 beverages that contain natural or artificial sweeteners. "Soft
13 drinks" does not include beverages that contain milk or milk
14 products, soy, rice or similar milk substitutes, or greater
15 than 50% of vegetable or fruit juice by volume.

16 Until August 1, 2009, and notwithstanding any other
17 provisions of this Act, "food for human consumption that is to
18 be consumed off the premises where it is sold" includes all
19 food sold through a vending machine, except soft drinks and
20 food products that are dispensed hot from a vending machine,
21 regardless of the location of the vending machine. Beginning
22 August 1, 2009, and notwithstanding any other provisions of
23 this Act, "food for human consumption that is to be consumed
24 off the premises where it is sold" includes all food sold
25 through a vending machine, except soft drinks, candy, and food
26 products that are dispensed hot from a vending machine,

1 regardless of the location of the vending machine.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "food for human consumption that
4 is to be consumed off the premises where it is sold" does not
5 include candy. For purposes of this Section, "candy" means a
6 preparation of sugar, honey, or other natural or artificial
7 sweeteners in combination with chocolate, fruits, nuts or
8 other ingredients or flavorings in the form of bars, drops, or
9 pieces. "Candy" does not include any preparation that contains
10 flour or requires refrigeration.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "nonprescription medicines and
13 drugs" does not include grooming and hygiene products. For
14 purposes of this Section, "grooming and hygiene products"
15 includes, but is not limited to, soaps and cleaning solutions,
16 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
17 lotions and screens, unless those products are available by
18 prescription only, regardless of whether the products meet the
19 definition of "over-the-counter-drugs". For the purposes of
20 this paragraph, "over-the-counter-drug" means a drug for human
21 use that contains a label that identifies the product as a drug
22 as required by 21 CFR 201.66. The "over-the-counter-drug"
23 label includes:

24 (A) a "Drug Facts" panel; or

25 (B) a statement of the "active ingredient(s)" with a
26 list of those ingredients contained in the compound,

1 substance or preparation.

2 Beginning on January 1, 2014 (the effective date of Public
3 Act 98-122), "prescription and nonprescription medicines and
4 drugs" includes medical cannabis purchased from a registered
5 dispensing organization under the Compassionate Use of Medical
6 Cannabis Program Act.

7 As used in this Section, "adult use cannabis" means
8 cannabis subject to tax under the Cannabis Cultivation
9 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
10 and does not include cannabis subject to tax under the
11 Compassionate Use of Medical Cannabis Program Act.

12 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;
13 102-700, Article 20, Section 20-15, eff. 4-19-22; 102-700,
14 Article 60, Section 60-25, eff. 4-19-22; 103-9, eff. 6-7-23;
15 103-154, eff. 6-30-23; 103-592, eff. 1-1-25; 103-781, eff.
16 8-5-24; revised 11-26-24.)

17 Section 305. The Retailers' Occupation Tax Act is amended
18 by changing Sections 1, 2, 2-5, 2-10, and 2-12 as follows:

19 (35 ILCS 120/1)

20 Sec. 1. Definitions. As used in this Act:

21 "Sale at retail" means any transfer of the ownership of,
22 the title to, the possession or control of, the right to
23 possess or control, or a license to use tangible personal
24 property to a purchaser, for the purpose of use or

1 consumption, and not for the purpose of resale in any form as
2 tangible personal property to the extent not first subjected
3 to a use for which it was purchased, for a valuable
4 consideration: Provided that the property purchased is deemed
5 to be purchased for the purpose of resale, despite first being
6 used, to the extent to which it is resold as an ingredient of
7 an intentionally produced product or byproduct of
8 manufacturing. For this purpose, slag produced as an incident
9 to manufacturing pig iron or steel and sold is considered to be
10 an intentionally produced byproduct of manufacturing.
11 Transactions whereby the possession of the property is
12 transferred but the seller retains the title as security for
13 payment of the selling price shall be deemed to be sales.

14 "Sale at retail" shall be construed to include any
15 transfer of the ownership of, the title to, the possession or
16 control of, the right to possess or control, or a license to
17 use tangible personal property to a purchaser, for use or
18 consumption by any other person to whom such purchaser may
19 transfer the tangible personal property without a valuable
20 consideration, and to include any transfer, whether made for
21 or without a valuable consideration, for resale in any form as
22 tangible personal property unless made in compliance with
23 Section 2c of this Act.

24 Sales of tangible personal property, which property, to
25 the extent not first subjected to a use for which it was
26 purchased, as an ingredient or constituent, goes into and

1 forms a part of tangible personal property subsequently the
2 subject of a "Sale at retail", are not sales at retail as
3 defined in this Act: Provided that the property purchased is
4 deemed to be purchased for the purpose of resale, despite
5 first being used, to the extent to which it is resold as an
6 ingredient of an intentionally produced product or byproduct
7 of manufacturing.

8 "Sale at retail" shall be construed to include any
9 Illinois florist's sales transaction in which the purchase
10 order is received in Illinois by a florist and the sale is for
11 use or consumption, but the Illinois florist has a florist in
12 another state deliver the property to the purchaser or the
13 purchaser's donee in such other state.

14 Nonreusable tangible personal property that is used by
15 persons engaged in the business of operating a restaurant,
16 cafeteria, or drive-in is a sale for resale when it is
17 transferred to customers in the ordinary course of business as
18 part of the sale of food or beverages and is used to deliver,
19 package, or consume food or beverages, regardless of where
20 consumption of the food or beverages occurs. Examples of those
21 items include, but are not limited to nonreusable, paper and
22 plastic cups, plates, baskets, boxes, sleeves, buckets or
23 other containers, utensils, straws, placemats, napkins, doggie
24 bags, and wrapping or packaging materials that are transferred
25 to customers as part of the sale of food or beverages in the
26 ordinary course of business.

1 The purchase, employment and transfer of such tangible
2 personal property as newsprint and ink for the primary purpose
3 of conveying news (with or without other information) is not a
4 purchase, use or sale of tangible personal property.

5 A person whose activities are organized and conducted
6 primarily as a not-for-profit service enterprise, and who
7 engages in selling tangible personal property at retail
8 (whether to the public or merely to members and their guests)
9 is engaged in the business of selling tangible personal
10 property at retail with respect to such transactions,
11 excepting only a person organized and operated exclusively for
12 charitable, religious or educational purposes either (1), to
13 the extent of sales by such person to its members, students,
14 patients or inmates of tangible personal property to be used
15 primarily for the purposes of such person, or (2), to the
16 extent of sales by such person of tangible personal property
17 which is not sold or offered for sale by persons organized for
18 profit. The selling of school books and school supplies by
19 schools at retail to students is not "primarily for the
20 purposes of" the school which does such selling. The
21 provisions of this paragraph shall not apply to nor subject to
22 taxation occasional dinners, socials or similar activities of
23 a person organized and operated exclusively for charitable,
24 religious or educational purposes, whether or not such
25 activities are open to the public.

26 A person who is the recipient of a grant or contract under

1 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
2 serves meals to participants in the federal Nutrition Program
3 for the Elderly in return for contributions established in
4 amount by the individual participant pursuant to a schedule of
5 suggested fees as provided for in the federal Act is not
6 engaged in the business of selling tangible personal property
7 at retail with respect to such transactions.

8 "Lease" means a transfer of the possession or control of,
9 the right to possess or control, or a license to use, but not
10 title to, tangible personal property for a fixed or
11 indeterminate term for consideration, regardless of the name
12 by which the transaction is called. "Lease" does not include a
13 lease entered into merely as a security agreement that does
14 not involve a transfer of possession or control from the
15 lessor to the lessee.

16 On and after January 1, 2025, the term "sale", when used in
17 this Act, includes a lease.

18 "Purchaser" means anyone who, through a sale at retail,
19 acquires the ownership of, the title to, the possession or
20 control of, the right to possess or control, or a license to
21 use tangible personal property for a valuable consideration.

22 "Reseller of motor fuel" means any person engaged in the
23 business of selling or delivering or transferring title of
24 motor fuel to another person other than for use or
25 consumption. No person shall act as a reseller of motor fuel
26 within this State without first being registered as a reseller

1 pursuant to Section 2c or a retailer pursuant to Section 2a.

2 "Selling price" or the "amount of sale" means the
3 consideration for a sale valued in money whether received in
4 money or otherwise, including cash, credits, property, other
5 than as hereinafter provided, and services, but, prior to
6 January 1, 2020 and beginning again on January 1, 2022, not
7 including the value of or credit given for traded-in tangible
8 personal property where the item that is traded-in is of like
9 kind and character as that which is being sold; beginning
10 January 1, 2020 and until January 1, 2022, "selling price"
11 includes the portion of the value of or credit given for
12 traded-in motor vehicles of the First Division as defined in
13 Section 1-146 of the Illinois Vehicle Code of like kind and
14 character as that which is being sold that exceeds \$10,000.

15 "Selling price" shall be determined without any deduction on
16 account of the cost of the property sold, the cost of materials
17 used, labor or service cost or any other expense whatsoever,
18 but does not include charges that are added to prices by
19 sellers on account of the seller's tax liability under this
20 Act, or on account of the seller's duty to collect, from the
21 purchaser, the tax that is imposed by the Use Tax Act, or,
22 except as otherwise provided with respect to any cigarette tax
23 imposed by a home rule unit, on account of the seller's tax
24 liability under any local occupation tax administered by the
25 Department, or, except as otherwise provided with respect to
26 any cigarette tax imposed by a home rule unit on account of the

1 seller's duty to collect, from the purchasers, the tax that is
2 imposed under any local use tax administered by the
3 Department. Effective December 1, 1985, "selling price" shall
4 include charges that are added to prices by sellers on account
5 of the seller's tax liability under the Cigarette Tax Act, on
6 account of the sellers' duty to collect, from the purchaser,
7 the tax imposed under the Cigarette Use Tax Act, and on account
8 of the seller's duty to collect, from the purchaser, any
9 cigarette tax imposed by a home rule unit.

10 The provisions of this paragraph, which provides only for
11 an alternative meaning of "selling price" with respect to the
12 sale of certain motor vehicles incident to the contemporaneous
13 lease of those motor vehicles, continue in effect and are not
14 changed by the tax on leases implemented by Public Act 103-592
15 ~~this amendatory Act of the 103rd General Assembly.~~
16 Notwithstanding any law to the contrary, for any motor
17 vehicle, as defined in Section 1-146 of the Illinois Vehicle
18 Code, that is sold on or after January 1, 2015 for the purpose
19 of leasing the vehicle for a defined period that is longer than
20 one year and (1) is a motor vehicle of the second division
21 that: (A) is a self-contained motor vehicle designed or
22 permanently converted to provide living quarters for
23 recreational, camping, or travel use, with direct walk through
24 access to the living quarters from the driver's seat; (B) is of
25 the van configuration designed for the transportation of not
26 less than 7 nor more than 16 passengers; or (C) has a gross

1 vehicle weight rating of 8,000 pounds or less or (2) is a motor
2 vehicle of the first division, "selling price" or "amount of
3 sale" means the consideration received by the lessor pursuant
4 to the lease contract, including amounts due at lease signing
5 and all monthly or other regular payments charged over the
6 term of the lease. Also included in the selling price is any
7 amount received by the lessor from the lessee for the leased
8 vehicle that is not calculated at the time the lease is
9 executed, including, but not limited to, excess mileage
10 charges and charges for excess wear and tear. For sales that
11 occur in Illinois, with respect to any amount received by the
12 lessor from the lessee for the leased vehicle that is not
13 calculated at the time the lease is executed, the lessor who
14 purchased the motor vehicle does not incur the tax imposed by
15 the Use Tax Act on those amounts, and the retailer who makes
16 the retail sale of the motor vehicle to the lessor is not
17 required to collect the tax imposed by the Use Tax Act or to
18 pay the tax imposed by this Act on those amounts. However, the
19 lessor who purchased the motor vehicle assumes the liability
20 for reporting and paying the tax on those amounts directly to
21 the Department in the same form (Illinois Retailers'
22 Occupation Tax, and local retailers' occupation taxes, if
23 applicable) in which the retailer would have reported and paid
24 such tax if the retailer had accounted for the tax to the
25 Department. For amounts received by the lessor from the lessee
26 that are not calculated at the time the lease is executed, the

1 lessor must file the return and pay the tax to the Department
2 by the due date otherwise required by this Act for returns
3 other than transaction returns. If the retailer is entitled
4 under this Act to a discount for collecting and remitting the
5 tax imposed under this Act to the Department with respect to
6 the sale of the motor vehicle to the lessor, then the right to
7 the discount provided in this Act shall be transferred to the
8 lessor with respect to the tax paid by the lessor for any
9 amount received by the lessor from the lessee for the leased
10 vehicle that is not calculated at the time the lease is
11 executed; provided that the discount is only allowed if the
12 return is timely filed and for amounts timely paid. The
13 "selling price" of a motor vehicle that is sold on or after
14 January 1, 2015 for the purpose of leasing for a defined period
15 of longer than one year shall not be reduced by the value of or
16 credit given for traded-in tangible personal property owned by
17 the lessor, nor shall it be reduced by the value of or credit
18 given for traded-in tangible personal property owned by the
19 lessee, regardless of whether the trade-in value thereof is
20 assigned by the lessee to the lessor. In the case of a motor
21 vehicle that is sold for the purpose of leasing for a defined
22 period of longer than one year, the sale occurs at the time of
23 the delivery of the vehicle, regardless of the due date of any
24 lease payments. A lessor who incurs a Retailers' Occupation
25 Tax liability on the sale of a motor vehicle coming off lease
26 may not take a credit against that liability for the Use Tax

1 the lessor paid upon the purchase of the motor vehicle (or for
2 any tax the lessor paid with respect to any amount received by
3 the lessor from the lessee for the leased vehicle that was not
4 calculated at the time the lease was executed) if the selling
5 price of the motor vehicle at the time of purchase was
6 calculated using the definition of "selling price" as defined
7 in this paragraph. Notwithstanding any other provision of this
8 Act to the contrary, lessors shall file all returns and make
9 all payments required under this paragraph to the Department
10 by electronic means in the manner and form as required by the
11 Department. This paragraph does not apply to leases of motor
12 vehicles for which, at the time the lease is entered into, the
13 term of the lease is not a defined period, including leases
14 with a defined initial period with the option to continue the
15 lease on a month-to-month or other basis beyond the initial
16 defined period.

17 The phrase "like kind and character" shall be liberally
18 construed (including but not limited to any form of motor
19 vehicle for any form of motor vehicle, or any kind of farm or
20 agricultural implement for any other kind of farm or
21 agricultural implement), while not including a kind of item
22 which, if sold at retail by that retailer, would be exempt from
23 retailers' occupation tax and use tax as an isolated or
24 occasional sale.

25 "Gross receipts" from the sales of tangible personal
26 property at retail means the total selling price or the amount

1 of such sales, as hereinbefore defined. In the case of charge
2 and time sales, the amount thereof shall be included only as
3 and when payments are received by the seller. In the case of
4 leases, except as otherwise provided in this Act, the amount
5 thereof shall be included only as and when gross receipts are
6 received by the lessor. Receipts or other consideration
7 derived by a seller from the sale, transfer or assignment of
8 accounts receivable to a wholly owned subsidiary will not be
9 deemed payments prior to the time the purchaser makes payment
10 on such accounts.

11 "Department" means the Department of Revenue.

12 "Person" means any natural individual, firm, partnership,
13 association, joint stock company, joint adventure, public or
14 private corporation, limited liability company, or a receiver,
15 executor, trustee, guardian or other representative appointed
16 by order of any court.

17 The isolated or occasional sale of tangible personal
18 property at retail by a person who does not hold himself out as
19 being engaged (or who does not habitually engage) in selling
20 such tangible personal property at retail, or a sale through a
21 bulk vending machine, does not constitute engaging in a
22 business of selling such tangible personal property at retail
23 within the meaning of this Act; provided that any person who is
24 engaged in a business which is not subject to the tax imposed
25 by this Act because of involving the sale of or a contract to
26 sell real estate or a construction contract to improve real

1 estate or a construction contract to engineer, install, and
2 maintain an integrated system of products, but who, in the
3 course of conducting such business, transfers tangible
4 personal property to users or consumers in the finished form
5 in which it was purchased, and which does not become real
6 estate or was not engineered and installed, under any
7 provision of a construction contract or real estate sale or
8 real estate sales agreement entered into with some other
9 person arising out of or because of such nontaxable business,
10 is engaged in the business of selling tangible personal
11 property at retail to the extent of the value of the tangible
12 personal property so transferred. If, in such a transaction, a
13 separate charge is made for the tangible personal property so
14 transferred, the value of such property, for the purpose of
15 this Act, shall be the amount so separately charged, but not
16 less than the cost of such property to the transferor; if no
17 separate charge is made, the value of such property, for the
18 purposes of this Act, is the cost to the transferor of such
19 tangible personal property. Construction contracts for the
20 improvement of real estate consisting of engineering,
21 installation, and maintenance of voice, data, video, security,
22 and all telecommunication systems do not constitute engaging
23 in a business of selling tangible personal property at retail
24 within the meaning of this Act if they are sold at one
25 specified contract price.

26 A person who holds himself or herself out as being engaged

1 (or who habitually engages) in selling tangible personal
2 property at retail is a person engaged in the business of
3 selling tangible personal property at retail hereunder with
4 respect to such sales (and not primarily in a service
5 occupation) notwithstanding the fact that such person designs
6 and produces such tangible personal property on special order
7 for the purchaser and in such a way as to render the property
8 of value only to such purchaser, if such tangible personal
9 property so produced on special order serves substantially the
10 same function as stock or standard items of tangible personal
11 property that are sold at retail.

12 Persons who engage in the business of transferring
13 tangible personal property upon the redemption of trading
14 stamps are engaged in the business of selling such property at
15 retail and shall be liable for and shall pay the tax imposed by
16 this Act on the basis of the retail value of the property
17 transferred upon redemption of such stamps.

18 "Bulk vending machine" means a vending machine, containing
19 unsorted confections, nuts, toys, or other items designed
20 primarily to be used or played with by children which, when a
21 coin or coins of a denomination not larger than \$0.50 are
22 inserted, are dispensed in equal portions, at random and
23 without selection by the customer.

24 "Remote retailer" means a retailer that does not maintain
25 within this State, directly or by a subsidiary, an office,
26 distribution house, sales house, warehouse or other place of

1 business, or any agent or other representative operating
2 within this State under the authority of the retailer or its
3 subsidiary, irrespective of whether such place of business or
4 agent is located here permanently or temporarily or whether
5 such retailer or subsidiary is licensed to do business in this
6 State.

7 "Retailer maintaining a place of business in this State"
8 has the meaning given to that term in Section 2 of the Use Tax
9 Act.

10 "Marketplace" means a physical or electronic place, forum,
11 platform, application, or other method by which a marketplace
12 seller sells or offers to sell items.

13 "Marketplace facilitator" means a person who, pursuant to
14 an agreement with an unrelated third-party marketplace seller,
15 directly or indirectly through one or more affiliates
16 facilitates a retail sale by an unrelated third-party ~~third~~
17 ~~party~~ marketplace seller by:

18 (1) listing or advertising for sale by the marketplace
19 seller in a marketplace, tangible personal property that
20 is subject to tax under this Act; and

21 (2) either directly or indirectly, through agreements
22 or arrangements with third parties, collecting payment
23 from the customer and transmitting that payment to the
24 marketplace seller regardless of whether the marketplace
25 facilitator receives compensation or other consideration
26 in exchange for its services.

1 A person who provides advertising services, including
2 listing products for sale, is not considered a marketplace
3 facilitator, so long as the advertising service platform or
4 forum does not engage, directly or indirectly through one or
5 more affiliated persons, in the activities described in
6 paragraph (2) of this definition of "marketplace facilitator".

7 "Marketplace facilitator" does not include any person
8 licensed under the Auction License Act. This exemption does
9 not apply to any person who is an Internet auction listing
10 service, as defined by the Auction License Act.

11 "Marketplace seller" means a person who ~~that~~ makes sales
12 through a marketplace operated by an unrelated third-party
13 ~~third-party~~ marketplace facilitator.

14 (Source: P.A. 102-353, eff. 1-1-22; 102-634, eff. 8-27-21;
15 102-813, eff. 5-13-22; 103-592, eff. 1-1-25; 103-983, eff.
16 1-1-25; revised 11-26-24.)

17 (35 ILCS 120/2)

18 Sec. 2. Tax imposed.

19 (a) A tax is imposed upon persons engaged in the business
20 of selling at retail, which, on and after January 1, 2025,
21 includes leasing, tangible personal property, including
22 computer software, and including photographs, negatives, and
23 positives that are the product of photoprocessing, but not
24 including products of photoprocessing produced for use in
25 motion pictures for public commercial exhibition. Beginning

1 January 1, 2001, prepaid telephone calling arrangements shall
2 be considered tangible personal property subject to the tax
3 imposed under this Act regardless of the form in which those
4 arrangements may be embodied, transmitted, or fixed by any
5 method now known or hereafter developed.

6 The imposition of the tax under this Act on persons
7 engaged in the business of leasing tangible personal property
8 applies to leases in effect, entered into, or renewed on or
9 after January 1, 2025. In the case of leases, except as
10 otherwise provided in this Act, the lessor must remit, for
11 each tax return period, only the tax applicable to that part of
12 the selling price actually received during such tax return
13 period.

14 The inclusion of leases in the tax imposed under this Act
15 by Public Act 103-592 ~~this amendatory Act of the 103rd General~~
16 ~~Assembly~~ does not, however, extend to motor vehicles,
17 watercraft, aircraft, and semitrailers, as defined in Section
18 1-187 of the Illinois Vehicle Code, that are required to be
19 registered with an agency of this State. The taxation of these
20 items shall continue in effect as prior to the effective date
21 of the changes made to this Section by Public Act 103-592 ~~this~~
22 ~~amendatory Act of the 103rd General Assembly~~ (i.e., dealers
23 owe retailers' occupation tax, lessors owe use tax, and
24 lessees are not subject to retailers' occupation or use tax).

25 Sales of (1) electricity delivered to customers by wire;
26 (2) natural or artificial gas that is delivered to customers

1 through pipes, pipelines, or mains; and (3) water that is
2 delivered to customers through pipes, pipelines, or mains are
3 not subject to tax under this Act. The provisions of Public Act
4 98-583 ~~this amendatory Act of the 98th General Assembly~~ are
5 declaratory of existing law as to the meaning and scope of this
6 Act.

7 (b) Beginning on January 1, 2021, a remote retailer is
8 engaged in the occupation of selling at retail in Illinois for
9 purposes of this Act, if:

10 (1) the cumulative gross receipts from sales of
11 tangible personal property to purchasers in Illinois are
12 \$100,000 or more; or

13 (2) the retailer enters into 200 or more separate
14 transactions for the sale of tangible personal property to
15 purchasers in Illinois.

16 Remote retailers that meet or exceed the threshold in
17 either paragraph (1) or (2) above shall be liable for all
18 applicable State retailers' and locally imposed retailers'
19 occupation taxes administered by the Department on all retail
20 sales to Illinois purchasers.

21 The remote retailer shall determine on a quarterly basis,
22 ending on the last day of March, June, September, and
23 December, whether he or she meets the criteria of either
24 paragraph (1) or (2) of this subsection for the preceding
25 12-month period. If the retailer meets the criteria of either
26 paragraph (1) or (2) for a 12-month period, he or she is

1 considered a retailer maintaining a place of business in this
2 State and is required to collect and remit the tax imposed
3 under this Act and all retailers' occupation tax imposed by
4 local taxing jurisdictions in Illinois, provided such local
5 taxes are administered by the Department, and to file all
6 applicable returns for one year. At the end of that one-year
7 period, the retailer shall determine whether the retailer met
8 the criteria of either paragraph (1) or (2) for the preceding
9 12-month period. If the retailer met the criteria in either
10 paragraph (1) or (2) for the preceding 12-month period, he or
11 she is considered a retailer maintaining a place of business
12 in this State and is required to collect and remit all
13 applicable State and local retailers' occupation taxes and
14 file returns for the subsequent year. If, at the end of a
15 one-year period, a retailer that was required to collect and
16 remit the tax imposed under this Act determines that he or she
17 did not meet the criteria in either paragraph (1) or (2) during
18 the preceding 12-month period, then the retailer shall
19 subsequently determine on a quarterly basis, ending on the
20 last day of March, June, September, and December, whether he
21 or she meets the criteria of either paragraph (1) or (2) for
22 the preceding 12-month period.

23 (b-2) Beginning on January 1, 2025, a retailer maintaining
24 a place of business in this State that makes retail sales of
25 tangible personal property to Illinois customers from a
26 location or locations outside of Illinois is engaged in the

1 occupation of selling at retail in Illinois for the purposes
2 of this Act. Those retailers are liable for all applicable
3 State and locally imposed retailers' occupation taxes
4 administered by the Department on retail sales made by those
5 retailers to Illinois customers from locations outside of
6 Illinois.

7 (b-5) For the purposes of this Section, neither the gross
8 receipts from nor the number of separate transactions for
9 sales of tangible personal property to purchasers in Illinois
10 that a remote retailer makes through a marketplace facilitator
11 shall be included for the purposes of determining whether he
12 or she has met the thresholds of subsection (b) of this Section
13 so long as the remote retailer has received certification from
14 the marketplace facilitator that the marketplace facilitator
15 is legally responsible for payment of tax on such sales.

16 (b-10) A remote retailer that is required to collect taxes
17 imposed under the Use Tax Act on retail sales made to Illinois
18 purchasers or a retailer maintaining a place of business in
19 this State that is required to collect taxes imposed under the
20 Use Tax Act on retail sales made to Illinois purchasers shall
21 be liable to the Department for such taxes, except when the
22 remote retailer or retailer maintaining a place of business in
23 this State is relieved of the duty to remit such taxes by
24 virtue of having paid to the Department taxes imposed by this
25 Act in accordance with this Section upon his or her gross
26 receipts from such sales.

1 (c) Marketplace facilitators engaged in the business of
2 selling at retail tangible personal property in Illinois.
3 Beginning January 1, 2021, a marketplace facilitator is
4 engaged in the occupation of selling at retail tangible
5 personal property in Illinois for purposes of this Act if,
6 during the previous 12-month period:

7 (1) the cumulative gross receipts from sales of
8 tangible personal property on its own behalf or on behalf
9 of marketplace sellers to purchasers in Illinois equals
10 \$100,000 or more; or

11 (2) the marketplace facilitator enters into 200 or
12 more separate transactions on its own behalf or on behalf
13 of marketplace sellers for the sale of tangible personal
14 property to purchasers in Illinois, regardless of whether
15 the marketplace facilitator or marketplace sellers for
16 whom such sales are facilitated are registered as
17 retailers in this State.

18 A marketplace facilitator who meets either paragraph (1)
19 or (2) of this subsection is required to remit the applicable
20 State retailers' occupation taxes under this Act and local
21 retailers' occupation taxes administered by the Department on
22 all taxable sales of tangible personal property made by the
23 marketplace facilitator or facilitated for marketplace sellers
24 to customers in this State. A marketplace facilitator selling
25 or facilitating the sale of tangible personal property to
26 customers in this State is subject to all applicable

1 procedures and requirements of this Act.

2 The marketplace facilitator shall determine on a quarterly
3 basis, ending on the last day of March, June, September, and
4 December, whether he or she meets the criteria of either
5 paragraph (1) or (2) of this subsection for the preceding
6 12-month period. If the marketplace facilitator meets the
7 criteria of either paragraph (1) or (2) for a 12-month period,
8 he or she is considered a retailer maintaining a place of
9 business in this State and is required to remit the tax imposed
10 under this Act and all retailers' occupation tax imposed by
11 local taxing jurisdictions in Illinois, provided such local
12 taxes are administered by the Department, and to file all
13 applicable returns for one year. At the end of that one-year
14 period, the marketplace facilitator shall determine whether it
15 met the criteria of either paragraph (1) or (2) for the
16 preceding 12-month period. If the marketplace facilitator met
17 the criteria in either paragraph (1) or (2) for the preceding
18 12-month period, it is considered a retailer maintaining a
19 place of business in this State and is required to collect and
20 remit all applicable State and local retailers' occupation
21 taxes and file returns for the subsequent year. If at the end
22 of a one-year period a marketplace facilitator that was
23 required to collect and remit the tax imposed under this Act
24 determines that he or she did not meet the criteria in either
25 paragraph (1) or (2) during the preceding 12-month period, the
26 marketplace facilitator shall subsequently determine on a

1 quarterly basis, ending on the last day of March, June,
2 September, and December, whether he or she meets the criteria
3 of either paragraph (1) or (2) for the preceding 12-month
4 period.

5 A marketplace facilitator shall be entitled to any
6 credits, deductions, or adjustments to the sales price
7 otherwise provided to the marketplace seller, in addition to
8 any such adjustments provided directly to the marketplace
9 facilitator. This Section pertains to, but is not limited to,
10 adjustments such as discounts, coupons, and rebates. In
11 addition, a marketplace facilitator shall be entitled to the
12 retailers' discount provided in Section 3 of the Retailers'
13 Occupation Tax Act on all marketplace sales, and the
14 marketplace seller shall not include sales made through a
15 marketplace facilitator when computing any retailers' discount
16 on remaining sales. Marketplace facilitators shall report and
17 remit the applicable State and local retailers' occupation
18 taxes on sales facilitated for marketplace sellers separately
19 from any sales or use tax collected on taxable retail sales
20 made directly by the marketplace facilitator or its
21 affiliates.

22 The marketplace facilitator is liable for the remittance
23 of all applicable State retailers' occupation taxes under this
24 Act and local retailers' occupation taxes administered by the
25 Department on sales through the marketplace and is subject to
26 audit on all such sales. The Department shall not audit

1 marketplace sellers for their marketplace sales where a
2 marketplace facilitator remitted the applicable State and
3 local retailers' occupation taxes unless the marketplace
4 facilitator seeks relief as a result of incorrect information
5 provided to the marketplace facilitator by a marketplace
6 seller as set forth in this Section. The marketplace
7 facilitator shall not be held liable for tax on any sales made
8 by a marketplace seller that take place outside of the
9 marketplace and which are not a part of any agreement between a
10 marketplace facilitator and a marketplace seller. In addition,
11 marketplace facilitators shall not be held liable to State and
12 local governments of Illinois for having charged and remitted
13 an incorrect amount of State and local retailers' occupation
14 tax if, at the time of the sale, the tax is computed based on
15 erroneous data provided by the State in database files on tax
16 rates, boundaries, or taxing jurisdictions or incorrect
17 information provided to the marketplace facilitator by the
18 marketplace seller.

19 (d) A marketplace facilitator shall:

20 (1) certify to each marketplace seller that the
21 marketplace facilitator assumes the rights and duties of a
22 retailer under this Act with respect to sales made by the
23 marketplace seller through the marketplace; and

24 (2) remit taxes imposed by this Act as required by
25 this Act for sales made through the marketplace.

26 (e) A marketplace seller shall retain books and records

1 for all sales made through a marketplace in accordance with
2 the requirements of this Act.

3 (f) A marketplace facilitator is subject to audit on all
4 marketplace sales for which it is considered to be the
5 retailer, but shall not be liable for tax or subject to audit
6 on sales made by marketplace sellers outside of the
7 marketplace.

8 (g) A marketplace facilitator required to collect taxes
9 imposed under the Use Tax Act on marketplace sales made to
10 Illinois purchasers shall be liable to the Department for such
11 taxes, except when the marketplace facilitator is relieved of
12 the duty to remit such taxes by virtue of having paid to the
13 Department taxes imposed by this Act in accordance with this
14 Section upon his or her gross receipts from such sales.

15 (h) Nothing in this Section shall allow the Department to
16 collect retailers' occupation taxes from both the marketplace
17 facilitator and marketplace seller on the same transaction.

18 (i) If, for any reason, the Department is prohibited from
19 enforcing the marketplace facilitator's duty under this Act to
20 remit taxes pursuant to this Section, the duty to remit such
21 taxes remains with the marketplace seller.

22 (j) Nothing in this Section affects the obligation of any
23 consumer to remit use tax for any taxable transaction for
24 which a certified service provider acting on behalf of a
25 remote retailer or a marketplace facilitator does not collect
26 and remit the appropriate tax.

1 (k) Nothing in this Section shall allow the Department to
2 collect the retailers' occupation tax from both the
3 marketplace facilitator and the marketplace seller.

4 (Source: P.A. 103-592, eff. 1-1-25; 103-983, eff. 1-1-25;
5 revised 11-26-24.)

6 (35 ILCS 120/2-5)

7 Sec. 2-5. Exemptions. Gross receipts from proceeds from
8 the sale, which, on and after January 1, 2025, includes the
9 lease, of the following tangible personal property are exempt
10 from the tax imposed by this Act:

11 (1) Farm chemicals.

12 (2) Farm machinery and equipment, both new and used,
13 including that manufactured on special order, certified by
14 the purchaser to be used primarily for production
15 agriculture or State or federal agricultural programs,
16 including individual replacement parts for the machinery
17 and equipment, including machinery and equipment purchased
18 for lease, and including implements of husbandry defined
19 in Section 1-130 of the Illinois Vehicle Code, farm
20 machinery and agricultural chemical and fertilizer
21 spreaders, and nurse wagons required to be registered
22 under Section 3-809 of the Illinois Vehicle Code, but
23 excluding other motor vehicles required to be registered
24 under the Illinois Vehicle Code. Horticultural polyhouses
25 or hoop houses used for propagating, growing, or

1 overwintering plants shall be considered farm machinery
2 and equipment under this item (2). Agricultural chemical
3 tender tanks and dry boxes shall include units sold
4 separately from a motor vehicle required to be licensed
5 and units sold mounted on a motor vehicle required to be
6 licensed, if the selling price of the tender is separately
7 stated.

8 Farm machinery and equipment shall include precision
9 farming equipment that is installed or purchased to be
10 installed on farm machinery and equipment including, but
11 not limited to, tractors, harvesters, sprayers, planters,
12 seeders, or spreaders. Precision farming equipment
13 includes, but is not limited to, soil testing sensors,
14 computers, monitors, software, global positioning and
15 mapping systems, and other such equipment.

16 Farm machinery and equipment also includes computers,
17 sensors, software, and related equipment used primarily in
18 the computer-assisted operation of production agriculture
19 facilities, equipment, and activities such as, but not
20 limited to, the collection, monitoring, and correlation of
21 animal and crop data for the purpose of formulating animal
22 diets and agricultural chemicals.

23 Beginning on January 1, 2024, farm machinery and
24 equipment also includes electrical power generation
25 equipment used primarily for production agriculture.

26 This item (2) is exempt from the provisions of Section

1 2-70.

2 (3) Until July 1, 2003, distillation machinery and
3 equipment, sold as a unit or kit, assembled or installed
4 by the retailer, certified by the user to be used only for
5 the production of ethyl alcohol that will be used for
6 consumption as motor fuel or as a component of motor fuel
7 for the personal use of the user, and not subject to sale
8 or resale.

9 (4) Until July 1, 2003 and beginning again September
10 1, 2004 through August 30, 2014, graphic arts machinery
11 and equipment, including repair and replacement parts,
12 both new and used, and including that manufactured on
13 special order or purchased for lease, certified by the
14 purchaser to be used primarily for graphic arts
15 production. Equipment includes chemicals or chemicals
16 acting as catalysts but only if the chemicals or chemicals
17 acting as catalysts effect a direct and immediate change
18 upon a graphic arts product. Beginning on July 1, 2017,
19 graphic arts machinery and equipment is included in the
20 manufacturing and assembling machinery and equipment
21 exemption under paragraph (14).

22 (5) A motor vehicle that is used for automobile
23 renting, as defined in the Automobile Renting Occupation
24 and Use Tax Act. This paragraph is exempt from the
25 provisions of Section 2-70.

26 (6) Personal property sold by a teacher-sponsored

1 student organization affiliated with an elementary or
2 secondary school located in Illinois.

3 (7) Until July 1, 2003, proceeds of that portion of
4 the selling price of a passenger car the sale of which is
5 subject to the Replacement Vehicle Tax.

6 (8) Personal property sold to an Illinois county fair
7 association for use in conducting, operating, or promoting
8 the county fair.

9 (9) Personal property sold to a not-for-profit arts or
10 cultural organization that establishes, by proof required
11 by the Department by rule, that it has received an
12 exemption under Section 501(c)(3) of the Internal Revenue
13 Code and that is organized and operated primarily for the
14 presentation or support of arts or cultural programming,
15 activities, or services. These organizations include, but
16 are not limited to, music and dramatic arts organizations
17 such as symphony orchestras and theatrical groups, arts
18 and cultural service organizations, local arts councils,
19 visual arts organizations, and media arts organizations.
20 On and after July 1, 2001 (the effective date of Public Act
21 92-35), however, an entity otherwise eligible for this
22 exemption shall not make tax-free purchases unless it has
23 an active identification number issued by the Department.

24 (10) Personal property sold by a corporation, society,
25 association, foundation, institution, or organization,
26 other than a limited liability company, that is organized

1 and operated as a not-for-profit service enterprise for
2 the benefit of persons 65 years of age or older if the
3 personal property was not purchased by the enterprise for
4 the purpose of resale by the enterprise.

5 (11) Except as otherwise provided in this Section,
6 personal property sold to a governmental body, to a
7 corporation, society, association, foundation, or
8 institution organized and operated exclusively for
9 charitable, religious, or educational purposes, or to a
10 not-for-profit corporation, society, association,
11 foundation, institution, or organization that has no
12 compensated officers or employees and that is organized
13 and operated primarily for the recreation of persons 55
14 years of age or older. A limited liability company may
15 qualify for the exemption under this paragraph only if the
16 limited liability company is organized and operated
17 exclusively for educational purposes. On and after July 1,
18 1987, however, no entity otherwise eligible for this
19 exemption shall make tax-free purchases unless it has an
20 active identification number issued by the Department.

21 (12) (Blank).

22 (12-5) On and after July 1, 2003 and through June 30,
23 2004, motor vehicles of the second division with a gross
24 vehicle weight in excess of 8,000 pounds that are subject
25 to the commercial distribution fee imposed under Section
26 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,

1 2004 and through June 30, 2005, the use in this State of
2 motor vehicles of the second division: (i) with a gross
3 vehicle weight rating in excess of 8,000 pounds; (ii) that
4 are subject to the commercial distribution fee imposed
5 under Section 3-815.1 of the Illinois Vehicle Code; and
6 (iii) that are primarily used for commercial purposes.
7 Through June 30, 2005, this exemption applies to repair
8 and replacement parts added after the initial purchase of
9 such a motor vehicle if that motor vehicle is used in a
10 manner that would qualify for the rolling stock exemption
11 otherwise provided for in this Act. For purposes of this
12 paragraph, "used for commercial purposes" means the
13 transportation of persons or property in furtherance of
14 any commercial or industrial enterprise whether for-hire
15 or not.

16 (13) Proceeds from sales to owners or lessors,
17 lessees, or shippers of tangible personal property that is
18 utilized by interstate carriers for hire for use as
19 rolling stock moving in interstate commerce and equipment
20 operated by a telecommunications provider, licensed as a
21 common carrier by the Federal Communications Commission,
22 which is permanently installed in or affixed to aircraft
23 moving in interstate commerce.

24 (14) Machinery and equipment that will be used by the
25 purchaser, or a lessee of the purchaser, primarily in the
26 process of manufacturing or assembling tangible personal

1 property for wholesale or retail sale or lease, whether
2 the sale or lease is made directly by the manufacturer or
3 by some other person, whether the materials used in the
4 process are owned by the manufacturer or some other
5 person, or whether the sale or lease is made apart from or
6 as an incident to the seller's engaging in the service
7 occupation of producing machines, tools, dies, jigs,
8 patterns, gauges, or other similar items of no commercial
9 value on special order for a particular purchaser. The
10 exemption provided by this paragraph (14) does not include
11 machinery and equipment used in (i) the generation of
12 electricity for wholesale or retail sale; (ii) the
13 generation or treatment of natural or artificial gas for
14 wholesale or retail sale that is delivered to customers
15 through pipes, pipelines, or mains; or (iii) the treatment
16 of water for wholesale or retail sale that is delivered to
17 customers through pipes, pipelines, or mains. The
18 provisions of Public Act 98-583 are declaratory of
19 existing law as to the meaning and scope of this
20 exemption. Beginning on July 1, 2017, the exemption
21 provided by this paragraph (14) includes, but is not
22 limited to, graphic arts machinery and equipment, as
23 defined in paragraph (4) of this Section.

24 (15) Proceeds of mandatory service charges separately
25 stated on customers' bills for purchase and consumption of
26 food and beverages, to the extent that the proceeds of the

1 service charge are in fact turned over as tips or as a
2 substitute for tips to the employees who participate
3 directly in preparing, serving, hosting or cleaning up the
4 food or beverage function with respect to which the
5 service charge is imposed.

6 (16) Tangible personal property sold to a purchaser if
7 the purchaser is exempt from use tax by operation of
8 federal law. This paragraph is exempt from the provisions
9 of Section 2-70.

10 (17) Tangible personal property sold to a common
11 carrier by rail or motor that receives the physical
12 possession of the property in Illinois and that transports
13 the property, or shares with another common carrier in the
14 transportation of the property, out of Illinois on a
15 standard uniform bill of lading showing the seller of the
16 property as the shipper or consignor of the property to a
17 destination outside Illinois, for use outside Illinois.

18 (18) Legal tender, currency, medallions, or gold or
19 silver coinage issued by the State of Illinois, the
20 government of the United States of America, or the
21 government of any foreign country, and bullion.

22 (19) Until July 1, 2003, oil field exploration,
23 drilling, and production equipment, including (i) rigs and
24 parts of rigs, rotary rigs, cable tool rigs, and workover
25 rigs, (ii) pipe and tubular goods, including casing and
26 drill strings, (iii) pumps and pump-jack units, (iv)

1 storage tanks and flow lines, (v) any individual
2 replacement part for oil field exploration, drilling, and
3 production equipment, and (vi) machinery and equipment
4 purchased for lease; but excluding motor vehicles required
5 to be registered under the Illinois Vehicle Code.

6 (20) Photoprocessing machinery and equipment,
7 including repair and replacement parts, both new and used,
8 including that manufactured on special order, certified by
9 the purchaser to be used primarily for photoprocessing,
10 and including photoprocessing machinery and equipment
11 purchased for lease.

12 (21) Until July 1, 2028, coal and aggregate
13 exploration, mining, off-highway hauling, processing,
14 maintenance, and reclamation equipment, including
15 replacement parts and equipment, and including equipment
16 purchased for lease, but excluding motor vehicles required
17 to be registered under the Illinois Vehicle Code. The
18 changes made to this Section by Public Act 97-767 apply on
19 and after July 1, 2003, but no claim for credit or refund
20 is allowed on or after August 16, 2013 (the effective date
21 of Public Act 98-456) for such taxes paid during the
22 period beginning July 1, 2003 and ending on August 16,
23 2013 (the effective date of Public Act 98-456).

24 (22) Until June 30, 2013, fuel and petroleum products
25 sold to or used by an air carrier, certified by the carrier
26 to be used for consumption, shipment, or storage in the

1 conduct of its business as an air common carrier, for a
2 flight destined for or returning from a location or
3 locations outside the United States without regard to
4 previous or subsequent domestic stopovers.

5 Beginning July 1, 2013, fuel and petroleum products
6 sold to or used by an air carrier, certified by the carrier
7 to be used for consumption, shipment, or storage in the
8 conduct of its business as an air common carrier, for a
9 flight that (i) is engaged in foreign trade or is engaged
10 in trade between the United States and any of its
11 possessions and (ii) transports at least one individual or
12 package for hire from the city of origination to the city
13 of final destination on the same aircraft, without regard
14 to a change in the flight number of that aircraft.

15 (23) A transaction in which the purchase order is
16 received by a florist who is located outside Illinois, but
17 who has a florist located in Illinois deliver the property
18 to the purchaser or the purchaser's donee in Illinois.

19 (24) Fuel consumed or used in the operation of ships,
20 barges, or vessels that are used primarily in or for the
21 transportation of property or the conveyance of persons
22 for hire on rivers bordering on this State if the fuel is
23 delivered by the seller to the purchaser's barge, ship, or
24 vessel while it is afloat upon that bordering river.

25 (25) Except as provided in item (25-5) of this
26 Section, a motor vehicle sold in this State to a

1 nonresident even though the motor vehicle is delivered to
2 the nonresident in this State, if the motor vehicle is not
3 to be titled in this State, and if a drive-away permit is
4 issued to the motor vehicle as provided in Section 3-603
5 of the Illinois Vehicle Code or if the nonresident
6 purchaser has vehicle registration plates to transfer to
7 the motor vehicle upon returning to his or her home state.
8 The issuance of the drive-away permit or having the
9 out-of-state registration plates to be transferred is
10 prima facie evidence that the motor vehicle will not be
11 titled in this State.

12 (25-5) The exemption under item (25) does not apply if
13 the state in which the motor vehicle will be titled does
14 not allow a reciprocal exemption for a motor vehicle sold
15 and delivered in that state to an Illinois resident but
16 titled in Illinois. The tax collected under this Act on
17 the sale of a motor vehicle in this State to a resident of
18 another state that does not allow a reciprocal exemption
19 shall be imposed at a rate equal to the state's rate of tax
20 on taxable property in the state in which the purchaser is
21 a resident, except that the tax shall not exceed the tax
22 that would otherwise be imposed under this Act. At the
23 time of the sale, the purchaser shall execute a statement,
24 signed under penalty of perjury, of his or her intent to
25 title the vehicle in the state in which the purchaser is a
26 resident within 30 days after the sale and of the fact of

1 the payment to the State of Illinois of tax in an amount
2 equivalent to the state's rate of tax on taxable property
3 in his or her state of residence and shall submit the
4 statement to the appropriate tax collection agency in his
5 or her state of residence. In addition, the retailer must
6 retain a signed copy of the statement in his or her
7 records. Nothing in this item shall be construed to
8 require the removal of the vehicle from this state
9 following the filing of an intent to title the vehicle in
10 the purchaser's state of residence if the purchaser titles
11 the vehicle in his or her state of residence within 30 days
12 after the date of sale. The tax collected under this Act in
13 accordance with this item (25-5) shall be proportionately
14 distributed as if the tax were collected at the 6.25%
15 general rate imposed under this Act.

16 (25-7) Beginning on July 1, 2007, no tax is imposed
17 under this Act on the sale of an aircraft, as defined in
18 Section 3 of the Illinois Aeronautics Act, if all of the
19 following conditions are met:

20 (1) the aircraft leaves this State within 15 days
21 after the later of either the issuance of the final
22 billing for the sale of the aircraft, or the
23 authorized approval for return to service, completion
24 of the maintenance record entry, and completion of the
25 test flight and ground test for inspection, as
26 required by 14 CFR 91.407;

1 (2) the aircraft is not based or registered in
2 this State after the sale of the aircraft; and

3 (3) the seller retains in his or her books and
4 records and provides to the Department a signed and
5 dated certification from the purchaser, on a form
6 prescribed by the Department, certifying that the
7 requirements of this item (25-7) are met. The
8 certificate must also include the name and address of
9 the purchaser, the address of the location where the
10 aircraft is to be titled or registered, the address of
11 the primary physical location of the aircraft, and
12 other information that the Department may reasonably
13 require.

14 For purposes of this item (25-7):

15 "Based in this State" means hangared, stored, or
16 otherwise used, excluding post-sale customizations as
17 defined in this Section, for 10 or more days in each
18 12-month period immediately following the date of the sale
19 of the aircraft.

20 "Registered in this State" means an aircraft
21 registered with the Department of Transportation,
22 Aeronautics Division, or titled or registered with the
23 Federal Aviation Administration to an address located in
24 this State.

25 This paragraph (25-7) is exempt from the provisions of
26 Section 2-70.

1 (26) Semen used for artificial insemination of
2 livestock for direct agricultural production.

3 (27) Horses, or interests in horses, registered with
4 and meeting the requirements of any of the Arabian Horse
5 Club Registry of America, Appaloosa Horse Club, American
6 Quarter Horse Association, United States Trotting
7 Association, or Jockey Club, as appropriate, used for
8 purposes of breeding or racing for prizes. This item (27)
9 is exempt from the provisions of Section 2-70, and the
10 exemption provided for under this item (27) applies for
11 all periods beginning May 30, 1995, but no claim for
12 credit or refund is allowed on or after January 1, 2008
13 (the effective date of Public Act 95-88) for such taxes
14 paid during the period beginning May 30, 2000 and ending
15 on January 1, 2008 (the effective date of Public Act
16 95-88).

17 (28) Computers and communications equipment utilized
18 for any hospital purpose and equipment used in the
19 diagnosis, analysis, or treatment of hospital patients
20 sold to a lessor who leases the equipment, under a lease of
21 one year or longer executed or in effect at the time of the
22 purchase, to a hospital that has been issued an active tax
23 exemption identification number by the Department under
24 Section 1g of this Act.

25 (29) Personal property sold to a lessor who leases the
26 property, under a lease of one year or longer executed or

1 in effect at the time of the purchase, to a governmental
2 body that has been issued an active tax exemption
3 identification number by the Department under Section 1g
4 of this Act.

5 (30) Beginning with taxable years ending on or after
6 December 31, 1995 and ending with taxable years ending on
7 or before December 31, 2004, personal property that is
8 donated for disaster relief to be used in a State or
9 federally declared disaster area in Illinois or bordering
10 Illinois by a manufacturer or retailer that is registered
11 in this State to a corporation, society, association,
12 foundation, or institution that has been issued a sales
13 tax exemption identification number by the Department that
14 assists victims of the disaster who reside within the
15 declared disaster area.

16 (31) Beginning with taxable years ending on or after
17 December 31, 1995 and ending with taxable years ending on
18 or before December 31, 2004, personal property that is
19 used in the performance of infrastructure repairs in this
20 State, including, but not limited to, municipal roads and
21 streets, access roads, bridges, sidewalks, waste disposal
22 systems, water and sewer line extensions, water
23 distribution and purification facilities, storm water
24 drainage and retention facilities, and sewage treatment
25 facilities, resulting from a State or federally declared
26 disaster in Illinois or bordering Illinois when such

1 repairs are initiated on facilities located in the
2 declared disaster area within 6 months after the disaster.

3 (32) Beginning July 1, 1999, game or game birds sold
4 at a "game breeding and hunting preserve area" as that
5 term is used in the Wildlife Code. This paragraph is
6 exempt from the provisions of Section 2-70.

7 (33) A motor vehicle, as that term is defined in
8 Section 1-146 of the Illinois Vehicle Code, that is
9 donated to a corporation, limited liability company,
10 society, association, foundation, or institution that is
11 determined by the Department to be organized and operated
12 exclusively for educational purposes. For purposes of this
13 exemption, "a corporation, limited liability company,
14 society, association, foundation, or institution organized
15 and operated exclusively for educational purposes" means
16 all tax-supported public schools, private schools that
17 offer systematic instruction in useful branches of
18 learning by methods common to public schools and that
19 compare favorably in their scope and intensity with the
20 course of study presented in tax-supported schools, and
21 vocational or technical schools or institutes organized
22 and operated exclusively to provide a course of study of
23 not less than 6 weeks duration and designed to prepare
24 individuals to follow a trade or to pursue a manual,
25 technical, mechanical, industrial, business, or commercial
26 occupation.

1 (34) Beginning January 1, 2000, personal property,
2 including food, purchased through fundraising events for
3 the benefit of a public or private elementary or secondary
4 school, a group of those schools, or one or more school
5 districts if the events are sponsored by an entity
6 recognized by the school district that consists primarily
7 of volunteers and includes parents and teachers of the
8 school children. This paragraph does not apply to
9 fundraising events (i) for the benefit of private home
10 instruction or (ii) for which the fundraising entity
11 purchases the personal property sold at the events from
12 another individual or entity that sold the property for
13 the purpose of resale by the fundraising entity and that
14 profits from the sale to the fundraising entity. This
15 paragraph is exempt from the provisions of Section 2-70.

16 (35) Beginning January 1, 2000 and through December
17 31, 2001, new or used automatic vending machines that
18 prepare and serve hot food and beverages, including
19 coffee, soup, and other items, and replacement parts for
20 these machines. Beginning January 1, 2002 and through June
21 30, 2003, machines and parts for machines used in
22 commercial, coin-operated amusement and vending business
23 if a use or occupation tax is paid on the gross receipts
24 derived from the use of the commercial, coin-operated
25 amusement and vending machines. This paragraph is exempt
26 from the provisions of Section 2-70.

1 (35-5) Beginning August 23, 2001 and through June 30,
2 2016, food for human consumption that is to be consumed
3 off the premises where it is sold (other than alcoholic
4 beverages, soft drinks, and food that has been prepared
5 for immediate consumption) and prescription and
6 nonprescription medicines, drugs, medical appliances, and
7 insulin, urine testing materials, syringes, and needles
8 used by diabetics, for human use, when purchased for use
9 by a person receiving medical assistance under Article V
10 of the Illinois Public Aid Code who resides in a licensed
11 long-term care facility, as defined in the Nursing Home
12 Care Act, or a licensed facility as defined in the ID/DD
13 Community Care Act, the MC/DD Act, or the Specialized
14 Mental Health Rehabilitation Act of 2013.

15 (36) Beginning August 2, 2001, computers and
16 communications equipment utilized for any hospital purpose
17 and equipment used in the diagnosis, analysis, or
18 treatment of hospital patients sold to a lessor who leases
19 the equipment, under a lease of one year or longer
20 executed or in effect at the time of the purchase, to a
21 hospital that has been issued an active tax exemption
22 identification number by the Department under Section 1g
23 of this Act. This paragraph is exempt from the provisions
24 of Section 2-70.

25 (37) Beginning August 2, 2001, personal property sold
26 to a lessor who leases the property, under a lease of one

1 year or longer executed or in effect at the time of the
2 purchase, to a governmental body that has been issued an
3 active tax exemption identification number by the
4 Department under Section 1g of this Act. This paragraph is
5 exempt from the provisions of Section 2-70.

6 (38) Beginning on January 1, 2002 and through June 30,
7 2016, tangible personal property purchased from an
8 Illinois retailer by a taxpayer engaged in centralized
9 purchasing activities in Illinois who will, upon receipt
10 of the property in Illinois, temporarily store the
11 property in Illinois (i) for the purpose of subsequently
12 transporting it outside this State for use or consumption
13 thereafter solely outside this State or (ii) for the
14 purpose of being processed, fabricated, or manufactured
15 into, attached to, or incorporated into other tangible
16 personal property to be transported outside this State and
17 thereafter used or consumed solely outside this State. The
18 Director of Revenue shall, pursuant to rules adopted in
19 accordance with the Illinois Administrative Procedure Act,
20 issue a permit to any taxpayer in good standing with the
21 Department who is eligible for the exemption under this
22 paragraph (38). The permit issued under this paragraph
23 (38) shall authorize the holder, to the extent and in the
24 manner specified in the rules adopted under this Act, to
25 purchase tangible personal property from a retailer exempt
26 from the taxes imposed by this Act. Taxpayers shall

1 maintain all necessary books and records to substantiate
2 the use and consumption of all such tangible personal
3 property outside of the State of Illinois.

4 (39) Beginning January 1, 2008, tangible personal
5 property used in the construction or maintenance of a
6 community water supply, as defined under Section 3.145 of
7 the Environmental Protection Act, that is operated by a
8 not-for-profit corporation that holds a valid water supply
9 permit issued under Title IV of the Environmental
10 Protection Act. This paragraph is exempt from the
11 provisions of Section 2-70.

12 (40) Beginning January 1, 2010 and continuing through
13 December 31, 2029, materials, parts, equipment,
14 components, and furnishings incorporated into or upon an
15 aircraft as part of the modification, refurbishment,
16 completion, replacement, repair, or maintenance of the
17 aircraft. This exemption includes consumable supplies used
18 in the modification, refurbishment, completion,
19 replacement, repair, and maintenance of aircraft. However,
20 until January 1, 2024, this exemption excludes any
21 materials, parts, equipment, components, and consumable
22 supplies used in the modification, replacement, repair,
23 and maintenance of aircraft engines or power plants,
24 whether such engines or power plants are installed or
25 uninstalled upon any such aircraft. "Consumable supplies"
26 include, but are not limited to, adhesive, tape,

1 sandpaper, general purpose lubricants, cleaning solution,
2 latex gloves, and protective films.

3 Beginning January 1, 2010 and continuing through
4 December 31, 2023, this exemption applies only to the sale
5 of qualifying tangible personal property to persons who
6 modify, refurbish, complete, replace, or maintain an
7 aircraft and who (i) hold an Air Agency Certificate and
8 are empowered to operate an approved repair station by the
9 Federal Aviation Administration, (ii) have a Class IV
10 Rating, and (iii) conduct operations in accordance with
11 Part 145 of the Federal Aviation Regulations. The
12 exemption does not include aircraft operated by a
13 commercial air carrier providing scheduled passenger air
14 service pursuant to authority issued under Part 121 or
15 Part 129 of the Federal Aviation Regulations. From January
16 1, 2024 through December 31, 2029, this exemption applies
17 only to the sale of qualifying tangible personal property
18 to: (A) persons who modify, refurbish, complete, repair,
19 replace, or maintain aircraft and who (i) hold an Air
20 Agency Certificate and are empowered to operate an
21 approved repair station by the Federal Aviation
22 Administration, (ii) have a Class IV Rating, and (iii)
23 conduct operations in accordance with Part 145 of the
24 Federal Aviation Regulations; and (B) persons who engage
25 in the modification, replacement, repair, and maintenance
26 of aircraft engines or power plants without regard to

1 whether or not those persons meet the qualifications of
2 item (A).

3 The changes made to this paragraph (40) by Public Act
4 98-534 are declarative of existing law. It is the intent
5 of the General Assembly that the exemption under this
6 paragraph (40) applies continuously from January 1, 2010
7 through December 31, 2024; however, no claim for credit or
8 refund is allowed for taxes paid as a result of the
9 disallowance of this exemption on or after January 1, 2015
10 and prior to February 5, 2020 (the effective date of
11 Public Act 101-629).

12 (41) Tangible personal property sold to a
13 public-facilities corporation, as described in Section
14 11-65-10 of the Illinois Municipal Code, for purposes of
15 constructing or furnishing a municipal convention hall,
16 but only if the legal title to the municipal convention
17 hall is transferred to the municipality without any
18 further consideration by or on behalf of the municipality
19 at the time of the completion of the municipal convention
20 hall or upon the retirement or redemption of any bonds or
21 other debt instruments issued by the public-facilities
22 corporation in connection with the development of the
23 municipal convention hall. This exemption includes
24 existing public-facilities corporations as provided in
25 Section 11-65-25 of the Illinois Municipal Code. This
26 paragraph is exempt from the provisions of Section 2-70.

1 (42) Beginning January 1, 2017 and through December
2 31, 2026, menstrual pads, tampons, and menstrual cups.

3 (43) Merchandise that is subject to the Rental
4 Purchase Agreement Occupation and Use Tax. The purchaser
5 must certify that the item is purchased to be rented
6 subject to a rental-purchase agreement, as defined in the
7 Rental-Purchase Agreement Act, and provide proof of
8 registration under the Rental Purchase Agreement
9 Occupation and Use Tax Act. This paragraph is exempt from
10 the provisions of Section 2-70.

11 (44) Qualified tangible personal property used in the
12 construction or operation of a data center that has been
13 granted a certificate of exemption by the Department of
14 Commerce and Economic Opportunity, whether that tangible
15 personal property is purchased by the owner, operator, or
16 tenant of the data center or by a contractor or
17 subcontractor of the owner, operator, or tenant. Data
18 centers that would have qualified for a certificate of
19 exemption prior to January 1, 2020 had Public Act 101-31
20 been in effect, may apply for and obtain an exemption for
21 subsequent purchases of computer equipment or enabling
22 software purchased or leased to upgrade, supplement, or
23 replace computer equipment or enabling software purchased
24 or leased in the original investment that would have
25 qualified.

26 The Department of Commerce and Economic Opportunity

1 shall grant a certificate of exemption under this item
2 (44) to qualified data centers as defined by Section
3 605-1025 of the Department of Commerce and Economic
4 Opportunity Law of the Civil Administrative Code of
5 Illinois.

6 For the purposes of this item (44):

7 "Data center" means a building or a series of
8 buildings rehabilitated or constructed to house
9 working servers in one physical location or multiple
10 sites within the State of Illinois.

11 "Qualified tangible personal property" means:
12 electrical systems and equipment; climate control and
13 chilling equipment and systems; mechanical systems and
14 equipment; monitoring and secure systems; emergency
15 generators; hardware; computers; servers; data storage
16 devices; network connectivity equipment; racks;
17 cabinets; telecommunications cabling infrastructure;
18 raised floor systems; peripheral components or
19 systems; software; mechanical, electrical, or plumbing
20 systems; battery systems; cooling systems and towers;
21 temperature control systems; other cabling; and other
22 data center infrastructure equipment and systems
23 necessary to operate qualified tangible personal
24 property, including fixtures; and component parts of
25 any of the foregoing, including installation,
26 maintenance, repair, refurbishment, and replacement of

1 qualified tangible personal property to generate,
2 transform, transmit, distribute, or manage electricity
3 necessary to operate qualified tangible personal
4 property; and all other tangible personal property
5 that is essential to the operations of a computer data
6 center. The term "qualified tangible personal
7 property" also includes building materials physically
8 incorporated into the qualifying data center. To
9 document the exemption allowed under this Section, the
10 retailer must obtain from the purchaser a copy of the
11 certificate of eligibility issued by the Department of
12 Commerce and Economic Opportunity.

13 This item (44) is exempt from the provisions of
14 Section 2-70.

15 (45) Beginning January 1, 2020 and through December
16 31, 2020, sales of tangible personal property made by a
17 marketplace seller over a marketplace for which tax is due
18 under this Act but for which use tax has been collected and
19 remitted to the Department by a marketplace facilitator
20 under Section 2d of the Use Tax Act are exempt from tax
21 under this Act. A marketplace seller claiming this
22 exemption shall maintain books and records demonstrating
23 that the use tax on such sales has been collected and
24 remitted by a marketplace facilitator. Marketplace sellers
25 that have properly remitted tax under this Act on such
26 sales may file a claim for credit as provided in Section 6

1 of this Act. No claim is allowed, however, for such taxes
2 for which a credit or refund has been issued to the
3 marketplace facilitator under the Use Tax Act, or for
4 which the marketplace facilitator has filed a claim for
5 credit or refund under the Use Tax Act.

6 (46) Beginning July 1, 2022, breast pumps, breast pump
7 collection and storage supplies, and breast pump kits.
8 This item (46) is exempt from the provisions of Section
9 2-70. As used in this item (46):

10 "Breast pump" means an electrically controlled or
11 manually controlled pump device designed or marketed to be
12 used to express milk from a human breast during lactation,
13 including the pump device and any battery, AC adapter, or
14 other power supply unit that is used to power the pump
15 device and is packaged and sold with the pump device at the
16 time of sale.

17 "Breast pump collection and storage supplies" means
18 items of tangible personal property designed or marketed
19 to be used in conjunction with a breast pump to collect
20 milk expressed from a human breast and to store collected
21 milk until it is ready for consumption.

22 "Breast pump collection and storage supplies"
23 includes, but is not limited to: breast shields and breast
24 shield connectors; breast pump tubes and tubing adapters;
25 breast pump valves and membranes; backflow protectors and
26 backflow protector adaptors; bottles and bottle caps

1 specific to the operation of the breast pump; and breast
2 milk storage bags.

3 "Breast pump collection and storage supplies" does not
4 include: (1) bottles and bottle caps not specific to the
5 operation of the breast pump; (2) breast pump travel bags
6 and other similar carrying accessories, including ice
7 packs, labels, and other similar products; (3) breast pump
8 cleaning supplies; (4) nursing bras, bra pads, breast
9 shells, and other similar products; and (5) creams,
10 ointments, and other similar products that relieve
11 breastfeeding-related symptoms or conditions of the
12 breasts or nipples, unless sold as part of a breast pump
13 kit that is pre-packaged by the breast pump manufacturer
14 or distributor.

15 "Breast pump kit" means a kit that: (1) contains no
16 more than a breast pump, breast pump collection and
17 storage supplies, a rechargeable battery for operating the
18 breast pump, a breastmilk cooler, bottle stands, ice
19 packs, and a breast pump carrying case; and (2) is
20 pre-packaged as a breast pump kit by the breast pump
21 manufacturer or distributor.

22 (47) Tangible personal property sold by or on behalf
23 of the State Treasurer pursuant to the Revised Uniform
24 Unclaimed Property Act. This item (47) is exempt from the
25 provisions of Section 2-70.

26 (48) Beginning on January 1, 2024, tangible personal

1 property purchased by an active duty member of the armed
2 forces of the United States who presents valid military
3 identification and purchases the property using a form of
4 payment where the federal government is the payor. The
5 member of the armed forces must complete, at the point of
6 sale, a form prescribed by the Department of Revenue
7 documenting that the transaction is eligible for the
8 exemption under this paragraph. Retailers must keep the
9 form as documentation of the exemption in their records
10 for a period of not less than 6 years. "Armed forces of the
11 United States" means the United States Army, Navy, Air
12 Force, Space Force, Marine Corps, or Coast Guard. This
13 paragraph is exempt from the provisions of Section 2-70.

14 (49) Beginning July 1, 2024, home-delivered meals
15 provided to Medicare or Medicaid recipients when payment
16 is made by an intermediary, such as a Medicare
17 Administrative Contractor, a Managed Care Organization, or
18 a Medicare Advantage Organization, pursuant to a
19 government contract. This paragraph (49) is exempt from
20 the provisions of Section 2-70.

21 (50) ~~(49)~~ Beginning on January 1, 2026, as further
22 defined in Section 2-10, food for human consumption that
23 is to be consumed off the premises where it is sold (other
24 than alcoholic beverages, food consisting of or infused
25 with adult use cannabis, soft drinks, candy, and food that
26 has been prepared for immediate consumption). This item

1 (50) ~~(49)~~ is exempt from the provisions of Section 2-70.

2 (51) ~~(49)~~ Gross receipts from the lease of the
3 following tangible personal property:

4 (1) computer software transferred subject to a
5 license that meets the following requirements:

6 (A) it is evidenced by a written agreement
7 signed by the licensor and the customer;

8 (i) an electronic agreement in which the
9 customer accepts the license by means of an
10 electronic signature that is verifiable and
11 can be authenticated and is attached to or
12 made part of the license will comply with this
13 requirement;

14 (ii) a license agreement in which the
15 customer electronically accepts the terms by
16 clicking "I agree" does not comply with this
17 requirement;

18 (B) it restricts the customer's duplication
19 and use of the software;

20 (C) it prohibits the customer from licensing,
21 sublicensing, or transferring the software to a
22 third party (except to a related party) without
23 the permission and continued control of the
24 licensor;

25 (D) the licensor has a policy of providing
26 another copy at minimal or no charge if the

1 customer loses or damages the software, or of
2 permitting the licensee to make and keep an
3 archival copy, and such policy is either stated in
4 the license agreement, supported by the licensor's
5 books and records, or supported by a notarized
6 statement made under penalties of perjury by the
7 licensor; and

8 (E) the customer must destroy or return all
9 copies of the software to the licensor at the end
10 of the license period; this provision is deemed to
11 be met, in the case of a perpetual license,
12 without being set forth in the license agreement;
13 and

14 (2) property that is subject to a tax on lease
15 receipts imposed by a home rule unit of local
16 government if the ordinance imposing that tax was
17 adopted prior to January 1, 2023.

18 (Source: P.A. 102-16, eff. 6-17-21; 102-634, eff. 8-27-21;
19 102-700, Article 70, Section 70-20, eff. 4-19-22; 102-700,
20 Article 75, Section 75-20, eff. 4-19-22; 102-813, eff.
21 5-13-22; 102-1026, eff. 5-27-22; 103-9, Article 5, Section
22 5-20, eff. 6-7-23; 103-9, Article 15, Section 15-20, eff.
23 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24; 103-592,
24 eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff. 7-1-24;
25 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; 103-995, eff.
26 8-9-24; revised 11-26-24.)

1 (35 ILCS 120/2-10) from Ch. 120, par. 441-10

2 Sec. 2-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 gross receipts from sales, which, on and after January 1,
5 2025, includes leases, of tangible personal property made in
6 the course of business.

7 Beginning on July 1, 2000 and through December 31, 2000,
8 with respect to motor fuel, as defined in Section 1.1 of the
9 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
10 the Use Tax Act, the tax is imposed at the rate of 1.25%.

11 Beginning on August 6, 2010 through August 15, 2010, and
12 beginning again on August 5, 2022 through August 14, 2022,
13 with respect to sales tax holiday items as defined in Section
14 2-8 of this Act, the tax is imposed at the rate of 1.25%.

15 Within 14 days after July 1, 2000 (the effective date of
16 Public Act 91-872), each retailer of motor fuel and gasohol
17 shall cause the following notice to be posted in a prominently
18 visible place on each retail dispensing device that is used to
19 dispense motor fuel or gasohol in the State of Illinois: "As of
20 July 1, 2000, the State of Illinois has eliminated the State's
21 share of sales tax on motor fuel and gasohol through December
22 31, 2000. The price on this pump should reflect the
23 elimination of the tax." The notice shall be printed in bold
24 print on a sign that is no smaller than 4 inches by 8 inches.
25 The sign shall be clearly visible to customers. Any retailer

1 who fails to post or maintain a required sign through December
2 31, 2000 is guilty of a petty offense for which the fine shall
3 be \$500 per day per each retail premises where a violation
4 occurs.

5 With respect to gasohol, as defined in the Use Tax Act, the
6 tax imposed by this Act applies to (i) 70% of the proceeds of
7 sales made on or after January 1, 1990, and before July 1,
8 2003, (ii) 80% of the proceeds of sales made on or after July
9 1, 2003 and on or before July 1, 2017, (iii) 100% of the
10 proceeds of sales made after July 1, 2017 and prior to January
11 1, 2024, (iv) 90% of the proceeds of sales made on or after
12 January 1, 2024 and on or before December 31, 2028, and (v)
13 100% of the proceeds of sales made after December 31, 2028. If,
14 at any time, however, the tax under this Act on sales of
15 gasohol, as defined in the Use Tax Act, is imposed at the rate
16 of 1.25%, then the tax imposed by this Act applies to 100% of
17 the proceeds of sales of gasohol made during that time.

18 With respect to mid-range ethanol blends, as defined in
19 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
20 applies to (i) 80% of the proceeds of sales made on or after
21 January 1, 2024 and on or before December 31, 2028 and (ii)
22 100% of the proceeds of sales made after December 31, 2028. If,
23 at any time, however, the tax under this Act on sales of
24 mid-range ethanol blends is imposed at the rate of 1.25%, then
25 the tax imposed by this Act applies to 100% of the proceeds of
26 sales of mid-range ethanol blends made during that time.

1 With respect to majority blended ethanol fuel, as defined
2 in the Use Tax Act, the tax imposed by this Act does not apply
3 to the proceeds of sales made on or after July 1, 2003 and on
4 or before December 31, 2028 but applies to 100% of the proceeds
5 of sales made thereafter.

6 With respect to biodiesel blends, as defined in the Use
7 Tax Act, with no less than 1% and no more than 10% biodiesel,
8 the tax imposed by this Act applies to (i) 80% of the proceeds
9 of sales made on or after July 1, 2003 and on or before
10 December 31, 2018 and (ii) 100% of the proceeds of sales made
11 after December 31, 2018 and before January 1, 2024. On and
12 after January 1, 2024 and on or before December 31, 2030, the
13 taxation of biodiesel, renewable diesel, and biodiesel blends
14 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
15 at any time, however, the tax under this Act on sales of
16 biodiesel blends, as defined in the Use Tax Act, with no less
17 than 1% and no more than 10% biodiesel is imposed at the rate
18 of 1.25%, then the tax imposed by this Act applies to 100% of
19 the proceeds of sales of biodiesel blends with no less than 1%
20 and no more than 10% biodiesel made during that time.

21 With respect to biodiesel, as defined in the Use Tax Act,
22 and biodiesel blends, as defined in the Use Tax Act, with more
23 than 10% but no more than 99% biodiesel, the tax imposed by
24 this Act does not apply to the proceeds of sales made on or
25 after July 1, 2003 and on or before December 31, 2023. On and
26 after January 1, 2024 and on or before December 31, 2030, the

1 taxation of biodiesel, renewable diesel, and biodiesel blends
2 shall be as provided in Section 3-5.1 of the Use Tax Act.

3 Until July 1, 2022 and from July 1, 2023 through December
4 31, 2025, with respect to food for human consumption that is to
5 be consumed off the premises where it is sold (other than
6 alcoholic beverages, food consisting of or infused with adult
7 use cannabis, soft drinks, and food that has been prepared for
8 immediate consumption), the tax is imposed at the rate of 1%.
9 Beginning July 1, 2022 and until July 1, 2023, with respect to
10 food for human consumption that is to be consumed off the
11 premises where it is sold (other than alcoholic beverages,
12 food consisting of or infused with adult use cannabis, soft
13 drinks, and food that has been prepared for immediate
14 consumption), the tax is imposed at the rate of 0%. On and
15 after January 1, 2026, food for human consumption that is to be
16 consumed off the premises where it is sold (other than
17 alcoholic beverages, food consisting of or infused with adult
18 use cannabis, soft drinks, candy, and food that has been
19 prepared for immediate consumption) is exempt from the tax
20 imposed by this Act.

21 With respect to prescription and nonprescription
22 medicines, drugs, medical appliances, products classified as
23 Class III medical devices by the United States Food and Drug
24 Administration that are used for cancer treatment pursuant to
25 a prescription, as well as any accessories and components
26 related to those devices, modifications to a motor vehicle for

1 the purpose of rendering it usable by a person with a
2 disability, and insulin, blood sugar testing materials,
3 syringes, and needles used by human diabetics, the tax is
4 imposed at the rate of 1%. For the purposes of this Section,
5 until September 1, 2009: the term "soft drinks" means any
6 complete, finished, ready-to-use, non-alcoholic drink, whether
7 carbonated or not, including, but not limited to, soda water,
8 cola, fruit juice, vegetable juice, carbonated water, and all
9 other preparations commonly known as soft drinks of whatever
10 kind or description that are contained in any closed or sealed
11 bottle, can, carton, or container, regardless of size; but
12 "soft drinks" does not include coffee, tea, non-carbonated
13 water, infant formula, milk or milk products as defined in the
14 Grade A Pasteurized Milk and Milk Products Act, or drinks
15 containing 50% or more natural fruit or vegetable juice.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "soft drinks" means non-alcoholic
18 beverages that contain natural or artificial sweeteners. "Soft
19 drinks" does not include beverages that contain milk or milk
20 products, soy, rice or similar milk substitutes, or greater
21 than 50% of vegetable or fruit juice by volume.

22 Until August 1, 2009, and notwithstanding any other
23 provisions of this Act, "food for human consumption that is to
24 be consumed off the premises where it is sold" includes all
25 food sold through a vending machine, except soft drinks and
26 food products that are dispensed hot from a vending machine,

1 regardless of the location of the vending machine. Beginning
2 August 1, 2009, and notwithstanding any other provisions of
3 this Act, "food for human consumption that is to be consumed
4 off the premises where it is sold" includes all food sold
5 through a vending machine, except soft drinks, candy, and food
6 products that are dispensed hot from a vending machine,
7 regardless of the location of the vending machine.

8 Notwithstanding any other provisions of this Act,
9 beginning September 1, 2009, "food for human consumption that
10 is to be consumed off the premises where it is sold" does not
11 include candy. For purposes of this Section, "candy" means a
12 preparation of sugar, honey, or other natural or artificial
13 sweeteners in combination with chocolate, fruits, nuts or
14 other ingredients or flavorings in the form of bars, drops, or
15 pieces. "Candy" does not include any preparation that contains
16 flour or requires refrigeration.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "nonprescription medicines and
19 drugs" does not include grooming and hygiene products. For
20 purposes of this Section, "grooming and hygiene products"
21 includes, but is not limited to, soaps and cleaning solutions,
22 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
23 lotions and screens, unless those products are available by
24 prescription only, regardless of whether the products meet the
25 definition of "over-the-counter-drugs". For the purposes of
26 this paragraph, "over-the-counter-drug" means a drug for human

1 use that contains a label that identifies the product as a drug
2 as required by 21 CFR 201.66. The "over-the-counter-drug"
3 label includes:

4 (A) a "Drug Facts" panel; or

5 (B) a statement of the "active ingredient(s)" with a
6 list of those ingredients contained in the compound,
7 substance or preparation.

8 Beginning on January 1, 2014 (the effective date of Public
9 Act 98-122), "prescription and nonprescription medicines and
10 drugs" includes medical cannabis purchased from a registered
11 dispensing organization under the Compassionate Use of Medical
12 Cannabis Program Act.

13 As used in this Section, "adult use cannabis" means
14 cannabis subject to tax under the Cannabis Cultivation
15 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
16 and does not include cannabis subject to tax under the
17 Compassionate Use of Medical Cannabis Program Act.

18 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,
19 Section 20-20, eff. 4-19-22; 102-700, Article 60, Section
20 60-30, eff. 4-19-22; 102-700, Article 65, Section 65-10, eff.
21 4-19-22; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23; 103-592,
22 eff. 1-1-25; 103-781, eff. 8-5-24; revised 11-26-24.)

23 (35 ILCS 120/2-12)

24 Sec. 2-12. Location where retailer is deemed to be engaged
25 in the business of selling. The purpose of this Section is to

1 specify where a retailer is deemed to be engaged in the
2 business of selling tangible personal property for the
3 purposes of this Act, the Use Tax Act, the Service Use Tax Act,
4 and the Service Occupation Tax Act, and for the purpose of
5 collecting any other local retailers' occupation tax
6 administered by the Department. This Section applies only with
7 respect to the particular selling activities described in the
8 following paragraphs. The provisions of this Section are not
9 intended to, and shall not be interpreted to, affect where a
10 retailer is deemed to be engaged in the business of selling
11 with respect to any activity that is not specifically
12 described in the following paragraphs.

13 (1) If a purchaser who is present at the retailer's
14 place of business, having no prior commitment to the
15 retailer, agrees to purchase and makes payment for
16 tangible personal property at the retailer's place of
17 business, then the transaction shall be deemed an
18 over-the-counter sale occurring at the retailer's same
19 place of business where the purchaser was present and made
20 payment for that tangible personal property if the
21 retailer regularly stocks the purchased tangible personal
22 property or similar tangible personal property in the
23 quantity, or similar quantity, for sale at the retailer's
24 same place of business and then either (i) the purchaser
25 takes possession of the tangible personal property at the
26 same place of business or (ii) the retailer delivers or

1 arranges for the tangible personal property to be
2 delivered to the purchaser.

3 (2) If a purchaser, having no prior commitment to the
4 retailer, agrees to purchase tangible personal property
5 and makes payment over the phone, in writing, or via the
6 Internet and takes possession of the tangible personal
7 property at the retailer's place of business, then the
8 sale shall be deemed to have occurred at the retailer's
9 place of business where the purchaser takes possession of
10 the property if the retailer regularly stocks the item or
11 similar items in the quantity, or similar quantities,
12 purchased by the purchaser.

13 (3) A retailer is deemed to be engaged in the business
14 of selling food, beverages, or other tangible personal
15 property through a vending machine at the location where
16 the vending machine is located at the time the sale is made
17 if (i) the vending machine is a device operated by coin,
18 currency, credit card, token, coupon or similar device;
19 (2) the food, beverage or other tangible personal property
20 is contained within the vending machine and dispensed from
21 the vending machine; and (3) the purchaser takes
22 possession of the purchased food, beverage or other
23 tangible personal property immediately.

24 (4) Minerals. A producer of coal or other mineral
25 mined in Illinois is deemed to be engaged in the business
26 of selling at the place where the coal or other mineral

1 mined in Illinois is extracted from the earth. With
2 respect to minerals (i) the term "extracted from the
3 earth" means the location at which the coal or other
4 mineral is extracted from the mouth of the mine, and (ii) a
5 "mineral" includes not only coal, but also oil, sand,
6 stone taken from a quarry, gravel and any other thing
7 commonly regarded as a mineral and extracted from the
8 earth. This paragraph does not apply to coal or another
9 mineral when it is delivered or shipped by the seller to
10 the purchaser at a point outside Illinois so that the sale
11 is exempt under the United States Constitution as a sale
12 in interstate or foreign commerce.

13 (5) A retailer selling tangible personal property to a
14 nominal lessee or bailee pursuant to a lease with a dollar
15 or other nominal option to purchase is engaged in the
16 business of selling at the location where the property is
17 first delivered to the lessee or bailee for its intended
18 use.

19 (5.5) Lease transactions. The lease of tangible
20 personal property that is subject to the tax on leases
21 under Public Act 103-592 ~~this amendatory Act of the 103rd~~
22 ~~General Assembly~~ is sourced as follows:

23 (i) For a lease that requires recurring periodic
24 payments and for which the property is delivered to
25 the lessee by the lessor, each periodic payment is
26 sourced to the primary property location for each

1 period covered by the payment. The primary property
2 location shall be as indicated by an address for the
3 property provided by the lessee that is available to
4 the lessor from its records maintained in the ordinary
5 course of business, when use of this address does not
6 constitute bad faith. The property location is not
7 altered by intermittent use at different locations,
8 such as use of business property that accompanies
9 employees on business trips and service calls.

10 (ii) For all other leases, including a lease that
11 does not require recurring periodic payments and any
12 lease for which the lessee takes possession of the
13 property at the lessor's place of business, the
14 payment is sourced as otherwise provided under this
15 Act for sales at retail other than leases.

16 (6) Beginning on January 1, 2021, a remote retailer
17 making retail sales of tangible personal property that
18 meet or exceed the thresholds established in paragraph (1)
19 or (2) of subsection (b) of Section 2 of this Act is
20 engaged in the business of selling at the Illinois
21 location to which the tangible personal property is
22 shipped or delivered or at which possession is taken by
23 the purchaser.

24 (7) Beginning January 1, 2021, a marketplace
25 facilitator facilitating sales of tangible personal
26 property that meet or exceed one of the thresholds

1 established in paragraph (1) or (2) of subsection (c) of
2 Section 2 of this Act is deemed to be engaged in the
3 business of selling at the Illinois location to which the
4 tangible personal property is shipped or delivered or at
5 which possession is taken by the purchaser when the sale
6 is made by a marketplace seller on the marketplace
7 facilitator's marketplace.

8 (8) Beginning on January 1, 2025, for sales that would
9 otherwise be sourced outside of this State, a retailer
10 maintaining a place of business in this State that makes
11 retail sales of tangible personal property to Illinois
12 customers from a location or locations outside of Illinois
13 is engaged in the business of selling at the Illinois
14 location to which the tangible personal property is
15 shipped or delivered or at which possession is taken by
16 the purchaser.

17 (Source: P.A. 103-592, eff. 1-1-25; 103-983, eff. 1-1-25;
18 revised 11-26-24.)

19 Section 310. The Hotel Operators' Occupation Tax Act is
20 amended by changing Sections 2 and 6 as follows:

21 (35 ILCS 145/2) (from Ch. 120, par. 481b.32)

22 Sec. 2. Definitions. As used in this Act, unless the
23 context otherwise requires:

24 (1) "Hotel" means any building or buildings in which the

1 public may, for a consideration, obtain living quarters,
2 sleeping or housekeeping accommodations. The term includes,
3 but is not limited to, inns, motels, tourist homes or courts,
4 lodging houses, rooming houses and apartment houses, retreat
5 centers, conference centers, and hunting lodges. For the
6 purposes of re-renters of hotel rooms only, "hotel" does not
7 include a short-term rental.

8 (2) "Operator" means any person engaged in the business of
9 renting, leasing, or letting rooms in a hotel.

10 (3) "Occupancy" means the use or possession, or the right
11 to the use or possession, of any room or rooms in a hotel for
12 any purpose, or the right to the use or possession of the
13 furnishings or to the services and accommodations accompanying
14 the use and possession of the room or rooms.

15 (4) "Room" or "rooms" means any living quarters, sleeping
16 or housekeeping accommodations.

17 (5) "Permanent resident" means any person who occupied or
18 has the right to occupy any room or rooms, regardless of
19 whether or not it is the same room or rooms, in a hotel for at
20 least 30 consecutive days.

21 (6) "Rent" or "rental" means the consideration received
22 for occupancy, valued in money, whether received in money or
23 otherwise, including all receipts, cash, credits, and property
24 or services of any kind or nature. "Rent" or "rental" includes
25 any fee, charge, or commission received from a guest by a
26 re-renter of hotel rooms specifically in connection with the

1 re-rental of hotel rooms, but does not include any fee,
2 charge, or commission received from a short-term rental by a
3 hosting platform.

4 (7) "Department" means the Department of Revenue.

5 (8) "Person" means any natural individual, firm,
6 partnership, association, joint stock company, joint
7 adventure, public or private corporation, limited liability
8 company, or a receiver, executor, trustee, guardian, or other
9 representative appointed by order of any court.

10 (9) "Re-renter of hotel rooms" means a person who is not
11 employed by the hotel operator but who, either directly or
12 indirectly, through agreements or arrangements with third
13 parties, collects or processes the payment of rent for a hotel
14 room located in this State and (i) obtains the right or
15 authority to grant control of, access to, or occupancy of a
16 hotel room in this State to a guest of the hotel or (ii)
17 facilitates the booking of a hotel room located in this State.
18 A person who obtains those rights or authorities is not
19 considered a re-renter of a hotel room if the person operates
20 under a shared hotel brand with the operator.

21 (10) "Hosting platform" or "platform" means a person who
22 provides an online application, software, website, or system
23 through which a short-term rental located in this State is
24 advertised or held out to the public as available to rent for
25 occupancy. For purposes of this definition, "short-term
26 rental" means an owner-occupied, tenant-occupied, or

1 non-owner-occupied dwelling, including, but not limited to, an
2 apartment, house, cottage, or condominium, located in this
3 State, where: (i) at least one room in the dwelling is rented
4 to an occupant for a period of less than 30 consecutive days;
5 and (ii) all accommodations are reserved in advance; provided,
6 however, that a dwelling shall be considered a single room if
7 rented as such.

8 (11) "Shared hotel brand" means an identifying trademark
9 that a hotel operator is expressly licensed to operate under
10 in accordance with the terms of a hotel franchise or
11 management agreement.

12 (Source: P.A. 103-592, eff. 7-1-24; revised 10-21-24.)

13 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

14 Sec. 6. Returns; allocation of proceeds.

15 (a) Except as provided hereinafter in this Section, on or
16 before the last day of each calendar month, every person
17 engaged as a hotel operator in this State during the preceding
18 calendar month shall file a return with the Department,
19 stating:

20 1. the name of the operator;

21 2. his residence address and the address of his
22 principal place of business and the address of the
23 principal place of business (if that is a different
24 address) from which he engages in business as a hotel
25 operator in this State (including, if required by the

1 Department, the address of each hotel from which rental
2 receipts were received);

3 3. total amount of rental receipts received by him
4 during the preceding calendar month from engaging in
5 business as a hotel operator during such preceding
6 calendar month;

7 4. total amount of rental receipts received by him
8 during the preceding calendar month from renting, leasing
9 or letting rooms to permanent residents during such
10 preceding calendar month;

11 5. total amount of other exclusions from gross rental
12 receipts allowed by this Act;

13 6. gross rental receipts which were received by him
14 during the preceding calendar month and upon the basis of
15 which the tax is imposed;

16 7. the amount of tax due;

17 8. credit for any reimbursement of tax paid by a
18 re-renter of hotel rooms to hotel operators for rentals
19 purchased for re-rental, as provided in Section 3-3 of
20 this Act;

21 9. such other reasonable information as the Department
22 may require.

23 If the operator's average monthly tax liability to the
24 Department does not exceed \$200, the Department may authorize
25 his returns to be filed on a quarter annual basis, with the
26 return for January, February and March of a given year being

1 due by April 30 of such year; with the return for April, May
2 and June of a given year being due by July 31 of such year;
3 with the return for July, August and September of a given year
4 being due by October 31 of such year, and with the return for
5 October, November and December of a given year being due by
6 January 31 of the following year.

7 If the operator's average monthly tax liability to the
8 Department does not exceed \$50, the Department may authorize
9 his returns to be filed on an annual basis, with the return for
10 a given year being due by January 31 of the following year.

11 Such quarter annual and annual returns, as to form and
12 substance, shall be subject to the same requirements as
13 monthly returns.

14 Notwithstanding any other provision in this Act concerning
15 the time within which an operator may file his return, in the
16 case of any operator who ceases to engage in a kind of business
17 which makes him responsible for filing returns under this Act,
18 such operator shall file a final return under this Act with the
19 Department not more than one ± month after discontinuing such
20 business.

21 Where the same person has more than one ± business
22 registered with the Department under separate registrations
23 under this Act, such person shall not file each return that is
24 due as a single return covering all such registered
25 businesses, but shall file separate returns for each such
26 registered business.

1 In his return, the operator shall determine the value of
2 any consideration other than money received by him in
3 connection with engaging in business as a hotel operator and
4 he shall include such value in his return. Such determination
5 shall be subject to review and revision by the Department in
6 the manner hereinafter provided for the correction of returns.

7 Where the operator is a corporation, the return filed on
8 behalf of such corporation shall be signed by the president,
9 vice-president, secretary or treasurer or by the properly
10 accredited agent of such corporation.

11 The person filing the return herein provided for shall, at
12 the time of filing such return, pay to the Department the
13 amount of tax herein imposed. The operator filing the return
14 under this Section shall, at the time of filing such return,
15 pay to the Department the amount of tax imposed by this Act
16 less a discount of 2.1% or \$25 per calendar year, whichever is
17 greater, which is allowed to reimburse the operator for the
18 expenses incurred in keeping records, preparing and filing
19 returns, remitting the tax and supplying data to the
20 Department on request.

21 If any payment provided for in this Section exceeds the
22 operator's liabilities under this Act, as shown on an original
23 return, the Department may authorize the operator to credit
24 such excess payment against liability subsequently to be
25 remitted to the Department under this Act, in accordance with
26 reasonable rules adopted by the Department. If the Department

1 subsequently determines that all or any part of the credit
2 taken was not actually due to the operator, the operator's
3 discount shall be reduced by an amount equal to the difference
4 between the discount as applied to the credit taken and that
5 actually due, and that operator shall be liable for penalties
6 and interest on such difference.

7 (b) Until July 1, 2024, the Department shall deposit the
8 total net revenue realized from the tax imposed under this Act
9 as provided in this subsection (b). Beginning on July 1, 2024,
10 the Department shall deposit the total net revenue realized
11 from the tax imposed under this Act as provided in subsection
12 (c).

13 There shall be deposited into the Build Illinois Fund in
14 the State treasury ~~Treasury~~ for each State fiscal year 40% of
15 the amount of total net revenue from the tax imposed by
16 subsection (a) of Section 3. Of the remaining 60%: (i)
17 \$5,000,000 shall be deposited into the Illinois Sports
18 Facilities Fund and credited to the Subsidy Account each
19 fiscal year by making monthly deposits in the amount of 1/8 of
20 \$5,000,000 plus cumulative deficiencies in such deposits for
21 prior months, and (ii) an amount equal to the then applicable
22 Advance Amount, as defined in subsection (d), shall be
23 deposited into the Illinois Sports Facilities Fund and
24 credited to the Advance Account each fiscal year by making
25 monthly deposits in the amount of 1/8 of the then applicable
26 Advance Amount plus any cumulative deficiencies in such

1 deposits for prior months. (The deposits of the then
2 applicable Advance Amount during each fiscal year shall be
3 treated as advances of funds to the Illinois Sports Facilities
4 Authority for its corporate purposes to the extent paid to the
5 Authority or its trustee and shall be repaid into the General
6 Revenue Fund in the State treasury ~~Treasury~~ by the State
7 Treasurer on behalf of the Authority pursuant to Section 19 of
8 the Illinois Sports Facilities Authority Act, as amended. If
9 in any fiscal year the full amount of the then applicable
10 Advance Amount is not repaid into the General Revenue Fund,
11 then the deficiency shall be paid from the amount in the Local
12 Government Distributive Fund that would otherwise be allocated
13 to the City of Chicago under the State Revenue Sharing Act.)

14 Of the remaining 60% of the amount of total net revenue
15 beginning on August 1, 2011 through June 30, 2023, from the tax
16 imposed by subsection (a) of Section 3 after all required
17 deposits into the Illinois Sports Facilities Fund, an amount
18 equal to 8% of the net revenue realized from this Act during
19 the preceding month shall be deposited as follows: 18% of such
20 amount shall be deposited into the Chicago Travel Industry
21 Promotion Fund for the purposes described in subsection (n) of
22 Section 5 of the Metropolitan Pier and Exposition Authority
23 Act and the remaining 82% of such amount shall be deposited
24 into the Local Tourism Fund each month for purposes authorized
25 by Section 605-705 of the Department of Commerce and Economic
26 Opportunity Law. Beginning on August 1, 2011 and through June

1 30, 2023, an amount equal to 4.5% of the net revenue realized
2 from this Act during the preceding month shall be deposited as
3 follows: 55% of such amount shall be deposited into the
4 Chicago Travel Industry Promotion Fund for the purposes
5 described in subsection (n) of Section 5 of the Metropolitan
6 Pier and Exposition Authority Act and the remaining 45% of
7 such amount deposited into the International Tourism Fund for
8 the purposes authorized in Section 605-707 of the Department
9 of Commerce and Economic Opportunity Law.

10 Beginning on July 1, 2023 and until July 1, 2024, of the
11 remaining 60% of the amount of total net revenue realized from
12 the tax imposed under subsection (a) of Section 3, after all
13 required deposits into the Illinois Sports Facilities Fund:

14 (1) an amount equal to 8% of the net revenue realized
15 under this Act for the preceding month shall be deposited
16 as follows: 82% to the Local Tourism Fund and 18% to the
17 Chicago Travel Industry Promotion Fund; and

18 (2) an amount equal to 4.5% of the net revenue
19 realized under this Act for the preceding month shall be
20 deposited as follows: 55% to the Chicago Travel Industry
21 Promotion Fund and 45% to the International Tourism Fund.

22 After making all these deposits, any remaining net revenue
23 realized from the tax imposed under subsection (a) of Section
24 3 shall be deposited into the Tourism Promotion Fund in the
25 State treasury ~~Treasury~~. All moneys received by the Department
26 from the additional tax imposed under subsection (b) of

1 Section 3 shall be deposited into the Build Illinois Fund in
2 the State treasury ~~Treasury~~.

3 (c) Beginning on July 1, 2024, the total net revenue
4 realized from the tax imposed under this Act for the preceding
5 month shall be deposited each month as follows:

6 (1) 50% shall be deposited into the Build Illinois
7 Fund; and

8 (2) the remaining 50% shall be deposited in the
9 following order of priority:

10 (A) First:

11 (i) \$5,000,000 shall be deposited into the
12 Illinois Sports Facilities Fund and credited to
13 the Subsidy Account each fiscal year by making
14 monthly deposits in the amount of one-eighth of
15 \$5,000,000 plus cumulative deficiencies in those
16 deposits for prior months; and

17 (ii) an amount equal to the then applicable
18 Advance Amount, as defined in subsection (d),
19 shall be deposited into the Illinois Sports
20 Facilities Fund and credited to the Advance
21 Account each fiscal year by making monthly
22 deposits in the amount of one-eighth of the then
23 applicable Advance Amount plus any cumulative
24 deficiencies in such deposits for prior months;
25 the deposits of the then applicable Advance Amount
26 during each fiscal year shall be treated as

1 advances of funds to the Illinois Sports
2 Facilities Authority for its corporate purposes to
3 the extent paid to the Illinois Sports Facilities
4 Authority or its trustee and shall be repaid into
5 the General Revenue Fund in the State treasury
6 ~~Treasury~~ by the State Treasurer on behalf of the
7 Authority pursuant to Section 19 of the Illinois
8 Sports Facilities Authority Act; if, in any fiscal
9 year, the full amount of the Advance Amount is not
10 repaid into the General Revenue Fund, then the
11 deficiency shall be paid from the amount in the
12 Local Government Distributive Fund that would
13 otherwise be allocated to the City of Chicago
14 under the State Revenue Sharing Act; and

15 (B) after all required deposits into the Illinois
16 Sports Facilities Fund under paragraph (A) have been
17 made each month, the remainder shall be deposited as
18 follows:

19 (i) 56% into the Tourism Promotion Fund;

20 (ii) 23% into the Local Tourism Fund;

21 (iii) 14% into the Chicago Travel Industry
22 Promotion Fund; and

23 (iv) 7% into the International Tourism Fund.

24 (d) As used in subsections (b) and (c):

25 "Advance Amount" means, for fiscal year 2002, \$22,179,000,
26 and for subsequent fiscal years through fiscal year 2033,

1 105.615% of the Advance Amount for the immediately preceding
2 fiscal year, rounded up to the nearest \$1,000.

3 "Net revenue realized" means the revenue collected by the
4 State under this Act less the amount paid out as refunds to
5 taxpayers for overpayment of liability under this Act.

6 (e) The Department may, upon separate written notice to a
7 taxpayer, require the taxpayer to prepare and file with the
8 Department on a form prescribed by the Department within not
9 less than 60 days after receipt of the notice an annual
10 information return for the tax year specified in the notice.
11 Such annual return to the Department shall include a statement
12 of gross receipts as shown by the operator's last State income
13 tax return. If the total receipts of the business as reported
14 in the State income tax return do not agree with the gross
15 receipts reported to the Department for the same period, the
16 operator shall attach to his annual information return a
17 schedule showing a reconciliation of the 2 amounts and the
18 reasons for the difference. The operator's annual information
19 return to the Department shall also disclose payroll
20 information of the operator's business during the year covered
21 by such return and any additional reasonable information which
22 the Department deems would be helpful in determining the
23 accuracy of the monthly, quarterly or annual tax returns by
24 such operator as hereinbefore provided for in this Section.

25 If the annual information return required by this Section
26 is not filed when and as required the taxpayer shall be liable

1 for a penalty in an amount determined in accordance with
2 Section 3-4 of the Uniform Penalty and Interest Act until such
3 return is filed as required, the penalty to be assessed and
4 collected in the same manner as any other penalty provided for
5 in this Act.

6 The chief executive officer, proprietor, owner or highest
7 ranking manager shall sign the annual return to certify the
8 accuracy of the information contained therein. Any person who
9 willfully signs the annual return containing false or
10 inaccurate information shall be guilty of perjury and punished
11 accordingly. The annual return form prescribed by the
12 Department shall include a warning that the person signing the
13 return may be liable for perjury.

14 The foregoing portion of this Section concerning the
15 filing of an annual information return shall not apply to an
16 operator who is not required to file an income tax return with
17 the United States Government.

18 (Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23;
19 103-592, eff. 7-1-24; 103-642, eff. 7-1-24; revised 8-12-24.)

20 Section 315. The Automobile Renting Occupation and Use Tax
21 Act is amended by changing Sections 2 and 6 as follows:

22 (35 ILCS 155/2) (from Ch. 120, par. 1702)

23 Sec. 2. Definitions. As used in this Act:

24 "Renting" means any transfer of the possession or right to

1 possession of an automobile to a user for a valuable
2 consideration for a period of one year or less.

3 "Renting" does not include making a charge for the use of
4 an automobile where the rentor, either himself or through an
5 agent, furnishes a service of operating an automobile so that
6 the rentor remains in possession of the automobile, because
7 this does not constitute a transfer of possession or right to
8 possession of the automobile.

9 "Renting" does not include the making of a charge by an
10 automobile dealer for the use of an automobile as a
11 demonstrator in connection with the dealer's business of
12 selling, where the charge is merely made to recover the costs
13 of operating the automobile as a demonstrator and is not
14 intended as a rental or leasing charge in the ordinary sense.

15 "Renting" does not include peer-to-peer car sharing, as
16 defined in Section 5 of the Car-Sharing Program Act, if tax due
17 on the automobile under the Retailers' Occupation Tax Act or
18 Use Tax Act was paid upon the purchase of the automobile or
19 when the automobile was brought into Illinois. The car-sharing
20 program shall ask a shared-vehicle ~~shared-vehicle~~ owner if the
21 shared-vehicle ~~shared-vehicle~~ owner paid applicable taxes at
22 the time of purchase. Notwithstanding any law to the contrary,
23 the car-sharing program shall have the right to rely on the
24 shared-vehicle ~~shared-vehicle~~ owner's response and to be held
25 legally harmless for such reliance.

26 "Automobile" means (1) any motor vehicle of the first

1 division, or (2) a motor vehicle of the second division which:
2 (A) is a self-contained motor vehicle designed or permanently
3 converted to provide living quarters for recreational, camping
4 or travel use, with direct walk through access to the living
5 quarters from the driver's seat; (B) is of the van
6 configuration designed for the transportation of not less than
7 nor more than 16 passengers, as defined in Section 1-146 of
8 the Illinois Vehicle Code; or (C) has a Gross Vehicle Weight
9 Rating, as defined in Section 1-124.5 of the Illinois Vehicle
10 Code, of 8,000 pounds or less.

11 "Department" means the Department of Revenue.

12 "Person" means any natural individual, firm, partnership,
13 association, joint stock company, joint adventure, public or
14 private corporation, limited liability company, or a receiver,
15 executor, trustee, conservator, or other representative
16 appointed by order of any court.

17 "Rentor" means any person, firm, corporation, or
18 association engaged in the business of renting or leasing
19 automobiles to users. For this purpose, the objective of
20 making a profit is not necessary to make the renting activity a
21 business.

22 "Rentor" does not include a car-sharing program or a
23 shared-vehicle owner, as defined in Section 5 of the
24 Car-Sharing Program Act, if tax due on the automobile under
25 the Retailers' Occupation Tax Act or Use Tax Act was paid upon
26 the purchase of the automobile or when the automobile was

1 brought into Illinois. The car-sharing program shall ask a
2 shared-vehicle ~~shared-vehicle~~ owner if the shared-vehicle
3 ~~shared-vehicle~~ owner paid applicable taxes at the time of
4 purchase. Notwithstanding any law to the contrary, the
5 car-sharing program shall have the right to rely on the
6 shared-vehicle ~~shared-vehicle~~ owner's response and to be held
7 legally harmless for such reliance.

8 "Rentee" means any user to whom the possession, or the
9 right to possession, of an automobile is transferred for a
10 valuable consideration for a period of one year or less,
11 whether paid for by the "rentee" or by someone else.

12 "Rentee" does not include a shared-vehicle driver, as
13 defined in Section 5 of the Car-Sharing Program Act, if tax due
14 on the automobile under the Retailers' Occupation Tax Act or
15 Use Tax Act was paid upon the purchase of the automobile or
16 when the automobile was brought into Illinois. The car-sharing
17 program shall ask a shared-vehicle ~~shared-vehicle~~ owner if the
18 shared-vehicle ~~shared-vehicle~~ owner paid applicable taxes at
19 the time of purchase. Notwithstanding any law to the contrary,
20 the car-sharing program shall have the right to rely on the
21 shared-vehicle ~~shared-vehicle~~ owner's response and to be held
22 legally harmless for such reliance.

23 "Gross receipts" from the renting of tangible personal
24 property or "rent" means the total rental price or leasing
25 price. In the case of rental transactions in which the
26 consideration is paid to the rentor on an installment basis,

1 the amounts of such payments shall be included by the rentor in
2 gross receipts or rent only as and when payments are received
3 by the rentor.

4 "Gross receipts" does not include receipts received by an
5 automobile dealer from a manufacturer or service contract
6 provider for the use of an automobile by a person while that
7 person's automobile is being repaired by that automobile
8 dealer and the repair is made pursuant to a manufacturer's
9 warranty or a service contract where a manufacturer or service
10 contract provider reimburses that automobile dealer pursuant
11 to a manufacturer's warranty or a service contract and the
12 reimbursement is merely made to recover the costs of operating
13 the automobile as a loaner vehicle.

14 "Rental price" means the consideration for renting or
15 leasing an automobile valued in money, whether received in
16 money or otherwise, including cash credits, property and
17 services, and shall be determined without any deduction on
18 account of the cost of the property rented, the cost of
19 materials used, labor or service cost, or any other expense
20 whatsoever, but does not include charges that are added by a
21 rentor on account of the rentor's tax liability under this Act
22 or on account of the rentor's duty to collect, from the rentee,
23 the tax that is imposed by Section 4 of this Act. The phrase
24 "rental price" does not include compensation paid to a rentor
25 by a rentee in consideration of the waiver by the rentor of any
26 right of action or claim against the rentee for loss or damage

1 to the automobile rented and also does not include a
2 separately stated charge for insurance or recovery of
3 refueling costs or other separately stated charges that are
4 not for the use of tangible personal property.

5 "Rental price" does not include consideration paid for
6 peer-to-peer car sharing to a shared-vehicle owner or a
7 car-sharing program, as those terms are defined in Section 5
8 of the Car-Sharing Program Act, if tax due on the automobile
9 under the Retailers' Occupation Tax Act or Use Tax Act was paid
10 upon the purchase of the automobile or when the automobile was
11 brought into Illinois. The car-sharing program shall ask a
12 shared-vehicle ~~shared-vehicle~~ owner if the shared-vehicle
13 ~~shared-vehicle~~ owner paid applicable taxes at the time of
14 purchase. Notwithstanding any law to the contrary, the
15 car-sharing program shall have the right to rely on the
16 shared-vehicle ~~shared-vehicle~~ owner's response and to be held
17 legally harmless for such reliance.

18 (Source: P.A. 103-520, eff. 8-11-23; revised 10-23-24.)

19 (35 ILCS 155/6)

20 Sec. 6. Applicability. The taxes imposed by Sections 3 and
21 4 of this Act do not apply to any amounts paid or received for
22 peer-to-peer car sharing, as defined in Section 5 of the
23 Car-Sharing Program Act, or the privilege of sharing a shared
24 vehicle through a car-sharing program, as defined in Section 5
25 of the Car-Sharing Program Act, if the shared-vehicle ~~shared~~

1 ~~vehicle~~ owner paid applicable taxes upon the purchase of the
2 automobile.

3 As used in this Section, "applicable taxes" means, with
4 respect to vehicles purchased in Illinois, the retailers'
5 occupation tax levied under the Retailers' Occupation Tax Act
6 or the use tax levied under the Use Tax Act. "Applicable
7 taxes", with respect to vehicles not purchased in Illinois,
8 refers to the sales, use, excise, or other generally
9 applicable tax that is due upon the purchase of a vehicle in
10 the jurisdiction in which the vehicle was purchased.

11 Notwithstanding any law to the contrary, the car-sharing
12 program shall have the right to rely on the shared-vehicle
13 ~~shared-vehicle~~ owner's response and to be held legally
14 harmless for such reliance.

15 (Source: P.A. 103-520, eff. 8-11-23; revised 10-23-24.)

16 Section 320. The Property Tax Code is amended by changing
17 Sections 18-185, 18-250, 22-15, and 22-40 as follows:

18 (35 ILCS 200/18-185)

19 Sec. 18-185. Short title; definitions. This Division 5
20 may be cited as the Property Tax Extension Limitation Law. As
21 used in this Division 5:

22 "Consumer Price Index" means the Consumer Price Index for
23 All Urban Consumers for all items published by the United
24 States Department of Labor.

1 "Extension limitation" means (a) the lesser of 5% or the
2 percentage increase in the Consumer Price Index during the
3 12-month calendar year preceding the levy year or (b) the rate
4 of increase approved by voters under Section 18-205.

5 "Affected county" means a county of 3,000,000 or more
6 inhabitants or a county contiguous to a county of 3,000,000 or
7 more inhabitants.

8 "Taxing district" has the same meaning provided in Section
9 1-150, except as otherwise provided in this Section. For the
10 1991 through 1994 levy years only, "taxing district" includes
11 only each non-home rule taxing district having the majority of
12 its 1990 equalized assessed value within any county or
13 counties contiguous to a county with 3,000,000 or more
14 inhabitants. Beginning with the 1995 levy year, "taxing
15 district" includes only each non-home rule taxing district
16 subject to this Law before the 1995 levy year and each non-home
17 rule taxing district not subject to this Law before the 1995
18 levy year having the majority of its 1994 equalized assessed
19 value in an affected county or counties. Beginning with the
20 levy year in which this Law becomes applicable to a taxing
21 district as provided in Section 18-213, "taxing district" also
22 includes those taxing districts made subject to this Law as
23 provided in Section 18-213.

24 "Aggregate extension" for taxing districts to which this
25 Law applied before the 1995 levy year means the annual
26 corporate extension for the taxing district and those special

1 purpose extensions that are made annually for the taxing
2 district, excluding special purpose extensions: (a) made for
3 the taxing district to pay interest or principal on general
4 obligation bonds that were approved by referendum; (b) made
5 for any taxing district to pay interest or principal on
6 general obligation bonds issued before October 1, 1991; (c)
7 made for any taxing district to pay interest or principal on
8 bonds issued to refund or continue to refund those bonds
9 issued before October 1, 1991; (d) made for any taxing
10 district to pay interest or principal on bonds issued to
11 refund or continue to refund bonds issued after October 1,
12 1991 that were approved by referendum; (e) made for any taxing
13 district to pay interest or principal on revenue bonds issued
14 before October 1, 1991 for payment of which a property tax levy
15 or the full faith and credit of the unit of local government is
16 pledged; however, a tax for the payment of interest or
17 principal on those bonds shall be made only after the
18 governing body of the unit of local government finds that all
19 other sources for payment are insufficient to make those
20 payments; (f) made for payments under a building commission
21 lease when the lease payments are for the retirement of bonds
22 issued by the commission before October 1, 1991, to pay for the
23 building project; (g) made for payments due under installment
24 contracts entered into before October 1, 1991; (h) made for
25 payments of principal and interest on bonds issued under the
26 Metropolitan Water Reclamation District Act to finance

1 construction projects initiated before October 1, 1991; (i)
2 made for payments of principal and interest on limited bonds,
3 as defined in Section 3 of the Local Government Debt Reform
4 Act, in an amount not to exceed the debt service extension base
5 less the amount in items (b), (c), (e), and (h) of this
6 definition for non-referendum obligations, except obligations
7 initially issued pursuant to referendum; (j) made for payments
8 of principal and interest on bonds issued under Section 15 of
9 the Local Government Debt Reform Act; (k) made by a school
10 district that participates in the Special Education District
11 of Lake County, created by special education joint agreement
12 under Section 10-22.31 of the School Code, for payment of the
13 school district's share of the amounts required to be
14 contributed by the Special Education District of Lake County
15 to the Illinois Municipal Retirement Fund under Article 7 of
16 the Illinois Pension Code; the amount of any extension under
17 this item (k) shall be certified by the school district to the
18 county clerk; (l) made to fund expenses of providing joint
19 recreational programs for persons with disabilities under
20 Section 5-8 of the Park District Code or Section 11-95-14 of
21 the Illinois Municipal Code; (m) made for temporary relocation
22 loan repayment purposes pursuant to Sections 2-3.77 and
23 17-2.2d of the School Code; (n) made for payment of principal
24 and interest on any bonds issued under the authority of
25 Section 17-2.2d of the School Code; (o) made for contributions
26 to a firefighter's pension fund created under Article 4 of the

1 Illinois Pension Code, to the extent of the amount certified
2 under item (5) of Section 4-134 of the Illinois Pension Code;
3 (p) made for road purposes in the first year after a township
4 assumes the rights, powers, duties, assets, property,
5 liabilities, obligations, and responsibilities of a road
6 district abolished under the provisions of Section 6-133 of
7 the Illinois Highway Code; ~~and~~ (q) made under Section 4 of the
8 Community Mental Health Act to provide the necessary funds or
9 to supplement existing funds for community mental health
10 facilities and services, including facilities and services for
11 the person with a developmental disability or a substance use
12 disorder; and (r) ~~(q)~~ made for the payment of principal and
13 interest on any bonds issued under the authority of Section
14 17-2.11 of the School Code or to refund or continue to refund
15 those bonds.

16 "Aggregate extension" for the taxing districts to which
17 this Law did not apply before the 1995 levy year (except taxing
18 districts subject to this Law in accordance with Section
19 18-213) means the annual corporate extension for the taxing
20 district and those special purpose extensions that are made
21 annually for the taxing district, excluding special purpose
22 extensions: (a) made for the taxing district to pay interest
23 or principal on general obligation bonds that were approved by
24 referendum; (b) made for any taxing district to pay interest
25 or principal on general obligation bonds issued before March
26 1, 1995; (c) made for any taxing district to pay interest or

1 principal on bonds issued to refund or continue to refund
2 those bonds issued before March 1, 1995; (d) made for any
3 taxing district to pay interest or principal on bonds issued
4 to refund or continue to refund bonds issued after March 1,
5 1995 that were approved by referendum; (e) made for any taxing
6 district to pay interest or principal on revenue bonds issued
7 before March 1, 1995 for payment of which a property tax levy
8 or the full faith and credit of the unit of local government is
9 pledged; however, a tax for the payment of interest or
10 principal on those bonds shall be made only after the
11 governing body of the unit of local government finds that all
12 other sources for payment are insufficient to make those
13 payments; (f) made for payments under a building commission
14 lease when the lease payments are for the retirement of bonds
15 issued by the commission before March 1, 1995 to pay for the
16 building project; (g) made for payments due under installment
17 contracts entered into before March 1, 1995; (h) made for
18 payments of principal and interest on bonds issued under the
19 Metropolitan Water Reclamation District Act to finance
20 construction projects initiated before October 1, 1991; (h-4)
21 made for stormwater management purposes by the Metropolitan
22 Water Reclamation District of Greater Chicago under Section 12
23 of the Metropolitan Water Reclamation District Act; (h-8) made
24 for payments of principal and interest on bonds issued under
25 Section 9.6a of the Metropolitan Water Reclamation District
26 Act to make contributions to the pension fund established

1 under Article 13 of the Illinois Pension Code; (i) made for
2 payments of principal and interest on limited bonds, as
3 defined in Section 3 of the Local Government Debt Reform Act,
4 in an amount not to exceed the debt service extension base less
5 the amount in items (b), (c), and (e) of this definition for
6 non-referendum obligations, except obligations initially
7 issued pursuant to referendum and bonds described in
8 subsections (h) and (h-8) of this definition; (j) made for
9 payments of principal and interest on bonds issued under
10 Section 15 of the Local Government Debt Reform Act; (k) made
11 for payments of principal and interest on bonds authorized by
12 Public Act 88-503 and issued under Section 20a of the Chicago
13 Park District Act for aquarium or museum projects and bonds
14 issued under Section 20a of the Chicago Park District Act for
15 the purpose of making contributions to the pension fund
16 established under Article 12 of the Illinois Pension Code; (l)
17 made for payments of principal and interest on bonds
18 authorized by Public Act 87-1191 or 93-601 and (i) issued
19 pursuant to Section 21.2 of the Cook County Forest Preserve
20 District Act, (ii) issued under Section 42 of the Cook County
21 Forest Preserve District Act for zoological park projects, or
22 (iii) issued under Section 44.1 of the Cook County Forest
23 Preserve District Act for botanical gardens projects; (m) made
24 pursuant to Section 34-53.5 of the School Code, whether levied
25 annually or not; (n) made to fund expenses of providing joint
26 recreational programs for persons with disabilities under

1 Section 5-8 of the Park District Code or Section 11-95-14 of
2 the Illinois Municipal Code; (o) made by the Chicago Park
3 District for recreational programs for persons with
4 disabilities under subsection (c) of Section 7.06 of the
5 Chicago Park District Act; (p) made for contributions to a
6 firefighter's pension fund created under Article 4 of the
7 Illinois Pension Code, to the extent of the amount certified
8 under item (5) of Section 4-134 of the Illinois Pension Code;
9 (q) made by Ford Heights School District 169 under Section
10 17-9.02 of the School Code; (r) made for the purpose of making
11 employer contributions to the Public School Teachers' Pension
12 and Retirement Fund of Chicago under Section 34-53 of the
13 School Code; ~~and~~ (s) made under Section 4 of the Community
14 Mental Health Act to provide the necessary funds or to
15 supplement existing funds for community mental health
16 facilities and services, including facilities and services for
17 the person with a developmental disability or a substance use
18 disorder; and (t) ~~(s)~~ made for the payment of principal and
19 interest on any bonds issued under the authority of Section
20 17-2.11 of the School Code or to refund or continue to refund
21 those bonds.

22 "Aggregate extension" for all taxing districts to which
23 this Law applies in accordance with Section 18-213, except for
24 those taxing districts subject to paragraph (2) of subsection
25 (e) of Section 18-213, means the annual corporate extension
26 for the taxing district and those special purpose extensions

1 that are made annually for the taxing district, excluding
2 special purpose extensions: (a) made for the taxing district
3 to pay interest or principal on general obligation bonds that
4 were approved by referendum; (b) made for any taxing district
5 to pay interest or principal on general obligation bonds
6 issued before the date on which the referendum making this Law
7 applicable to the taxing district is held; (c) made for any
8 taxing district to pay interest or principal on bonds issued
9 to refund or continue to refund those bonds issued before the
10 date on which the referendum making this Law applicable to the
11 taxing district is held; (d) made for any taxing district to
12 pay interest or principal on bonds issued to refund or
13 continue to refund bonds issued after the date on which the
14 referendum making this Law applicable to the taxing district
15 is held if the bonds were approved by referendum after the date
16 on which the referendum making this Law applicable to the
17 taxing district is held; (e) made for any taxing district to
18 pay interest or principal on revenue bonds issued before the
19 date on which the referendum making this Law applicable to the
20 taxing district is held for payment of which a property tax
21 levy or the full faith and credit of the unit of local
22 government is pledged; however, a tax for the payment of
23 interest or principal on those bonds shall be made only after
24 the governing body of the unit of local government finds that
25 all other sources for payment are insufficient to make those
26 payments; (f) made for payments under a building commission

1 lease when the lease payments are for the retirement of bonds
2 issued by the commission before the date on which the
3 referendum making this Law applicable to the taxing district
4 is held to pay for the building project; (g) made for payments
5 due under installment contracts entered into before the date
6 on which the referendum making this Law applicable to the
7 taxing district is held; (h) made for payments of principal
8 and interest on limited bonds, as defined in Section 3 of the
9 Local Government Debt Reform Act, in an amount not to exceed
10 the debt service extension base less the amount in items (b),
11 (c), and (e) of this definition for non-referendum
12 obligations, except obligations initially issued pursuant to
13 referendum; (i) made for payments of principal and interest on
14 bonds issued under Section 15 of the Local Government Debt
15 Reform Act; (j) made for a qualified airport authority to pay
16 interest or principal on general obligation bonds issued for
17 the purpose of paying obligations due under, or financing
18 airport facilities required to be acquired, constructed,
19 installed or equipped pursuant to, contracts entered into
20 before March 1, 1996 (but not including any amendments to such
21 a contract taking effect on or after that date); (k) made to
22 fund expenses of providing joint recreational programs for
23 persons with disabilities under Section 5-8 of the Park
24 District Code or Section 11-95-14 of the Illinois Municipal
25 Code; (l) made for contributions to a firefighter's pension
26 fund created under Article 4 of the Illinois Pension Code, to

1 the extent of the amount certified under item (5) of Section
2 4-134 of the Illinois Pension Code; (m) made for the taxing
3 district to pay interest or principal on general obligation
4 bonds issued pursuant to Section 19-3.10 of the School Code;
5 ~~and~~ (n) made under Section 4 of the Community Mental Health Act
6 to provide the necessary funds or to supplement existing funds
7 for community mental health facilities and services, including
8 facilities and services for the person with a developmental
9 disability or a substance use disorder; and (o) ~~(n)~~ made for
10 the payment of principal and interest on any bonds issued
11 under the authority of Section 17-2.11 of the School Code or to
12 refund or continue to refund those bonds.

13 "Aggregate extension" for all taxing districts to which
14 this Law applies in accordance with paragraph (2) of
15 subsection (e) of Section 18-213 means the annual corporate
16 extension for the taxing district and those special purpose
17 extensions that are made annually for the taxing district,
18 excluding special purpose extensions: (a) made for the taxing
19 district to pay interest or principal on general obligation
20 bonds that were approved by referendum; (b) made for any
21 taxing district to pay interest or principal on general
22 obligation bonds issued before March 7, 1997 (the effective
23 date of Public Act 89-718); (c) made for any taxing district to
24 pay interest or principal on bonds issued to refund or
25 continue to refund those bonds issued before March 7, 1997
26 (the effective date of Public Act 89-718); (d) made for any

1 taxing district to pay interest or principal on bonds issued
2 to refund or continue to refund bonds issued after March 7,
3 1997 (the effective date of Public Act 89-718) if the bonds
4 were approved by referendum after March 7, 1997 (the effective
5 date of Public Act 89-718); (e) made for any taxing district to
6 pay interest or principal on revenue bonds issued before March
7 7, 1997 (the effective date of Public Act 89-718) for payment
8 of which a property tax levy or the full faith and credit of
9 the unit of local government is pledged; however, a tax for the
10 payment of interest or principal on those bonds shall be made
11 only after the governing body of the unit of local government
12 finds that all other sources for payment are insufficient to
13 make those payments; (f) made for payments under a building
14 commission lease when the lease payments are for the
15 retirement of bonds issued by the commission before March 7,
16 1997 (the effective date of Public Act 89-718) to pay for the
17 building project; (g) made for payments due under installment
18 contracts entered into before March 7, 1997 (the effective
19 date of Public Act 89-718); (h) made for payments of principal
20 and interest on limited bonds, as defined in Section 3 of the
21 Local Government Debt Reform Act, in an amount not to exceed
22 the debt service extension base less the amount in items (b),
23 (c), and (e) of this definition for non-referendum
24 obligations, except obligations initially issued pursuant to
25 referendum; (i) made for payments of principal and interest on
26 bonds issued under Section 15 of the Local Government Debt

1 Reform Act; (j) made for a qualified airport authority to pay
2 interest or principal on general obligation bonds issued for
3 the purpose of paying obligations due under, or financing
4 airport facilities required to be acquired, constructed,
5 installed or equipped pursuant to, contracts entered into
6 before March 1, 1996 (but not including any amendments to such
7 a contract taking effect on or after that date); (k) made to
8 fund expenses of providing joint recreational programs for
9 persons with disabilities under Section 5-8 of the Park
10 District Code or Section 11-95-14 of the Illinois Municipal
11 Code; (l) made for contributions to a firefighter's pension
12 fund created under Article 4 of the Illinois Pension Code, to
13 the extent of the amount certified under item (5) of Section
14 4-134 of the Illinois Pension Code; ~~and~~ (m) made under Section
15 4 of the Community Mental Health Act to provide the necessary
16 funds or to supplement existing funds for community mental
17 health facilities and services, including facilities and
18 services for the person with a developmental disability or a
19 substance use disorder; and (n) ~~(m)~~ made for the payment of
20 principal and interest on any bonds issued under the authority
21 of Section 17-2.11 of the School Code or to refund or continue
22 to refund those bonds.

23 "Debt service extension base" means an amount equal to
24 that portion of the extension for a taxing district for the
25 1994 levy year, or for those taxing districts subject to this
26 Law in accordance with Section 18-213, except for those

1 subject to paragraph (2) of subsection (e) of Section 18-213,
2 for the levy year in which the referendum making this Law
3 applicable to the taxing district is held, or for those taxing
4 districts subject to this Law in accordance with paragraph (2)
5 of subsection (e) of Section 18-213 for the 1996 levy year,
6 constituting an extension for payment of principal and
7 interest on bonds issued by the taxing district without
8 referendum, but not including excluded non-referendum bonds.
9 For park districts (i) that were first subject to this Law in
10 1991 or 1995 and (ii) whose extension for the 1994 levy year
11 for the payment of principal and interest on bonds issued by
12 the park district without referendum (but not including
13 excluded non-referendum bonds) was less than 51% of the amount
14 for the 1991 levy year constituting an extension for payment
15 of principal and interest on bonds issued by the park district
16 without referendum (but not including excluded non-referendum
17 bonds), "debt service extension base" means an amount equal to
18 that portion of the extension for the 1991 levy year
19 constituting an extension for payment of principal and
20 interest on bonds issued by the park district without
21 referendum (but not including excluded non-referendum bonds).
22 A debt service extension base established or increased at any
23 time pursuant to any provision of this Law, except Section
24 18-212, shall be increased each year commencing with the later
25 of (i) the 2009 levy year or (ii) the first levy year in which
26 this Law becomes applicable to the taxing district, by the

1 lesser of 5% or the percentage increase in the Consumer Price
2 Index during the 12-month calendar year preceding the levy
3 year. The debt service extension base may be established or
4 increased as provided under Section 18-212. "Excluded
5 non-referendum bonds" means (i) bonds authorized by Public Act
6 88-503 and issued under Section 20a of the Chicago Park
7 District Act for aquarium and museum projects; (ii) bonds
8 issued under Section 15 of the Local Government Debt Reform
9 Act; or (iii) refunding obligations issued to refund or to
10 continue to refund obligations initially issued pursuant to
11 referendum.

12 "Special purpose extensions" include, but are not limited
13 to, extensions for levies made on an annual basis for
14 unemployment and workers' compensation, self-insurance,
15 contributions to pension plans, and extensions made pursuant
16 to Section 6-601 of the Illinois Highway Code for a road
17 district's permanent road fund whether levied annually or not.
18 The extension for a special service area is not included in the
19 aggregate extension.

20 "Aggregate extension base" means the taxing district's
21 last preceding aggregate extension as adjusted under Sections
22 18-135, 18-215, 18-230, 18-206, and 18-233. Beginning with
23 levy year 2022, for taxing districts that are specified in
24 Section 18-190.7, the taxing district's aggregate extension
25 base shall be calculated as provided in Section 18-190.7. An
26 adjustment under Section 18-135 shall be made for the 2007

1 levy year and all subsequent levy years whenever one or more
2 counties within which a taxing district is located (i) used
3 estimated valuations or rates when extending taxes in the
4 taxing district for the last preceding levy year that resulted
5 in the over or under extension of taxes, or (ii) increased or
6 decreased the tax extension for the last preceding levy year
7 as required by Section 18-135(c). Whenever an adjustment is
8 required under Section 18-135, the aggregate extension base of
9 the taxing district shall be equal to the amount that the
10 aggregate extension of the taxing district would have been for
11 the last preceding levy year if either or both (i) actual,
12 rather than estimated, valuations or rates had been used to
13 calculate the extension of taxes for the last levy year, or
14 (ii) the tax extension for the last preceding levy year had not
15 been adjusted as required by subsection (c) of Section 18-135.

16 Notwithstanding any other provision of law, for levy year
17 2012, the aggregate extension base for West Northfield School
18 District No. 31 in Cook County shall be \$12,654,592.

19 Notwithstanding any other provision of law, for the
20 purpose of calculating the limiting rate for levy year 2023,
21 the last preceding aggregate extension base for Homewood
22 School District No. 153 in Cook County shall be \$19,535,377.

23 Notwithstanding any other provision of law, for levy year
24 2022, the aggregate extension base of a home equity assurance
25 program that levied at least \$1,000,000 in property taxes in
26 levy year 2019 or 2020 under the Home Equity Assurance Act

1 shall be the amount that the program's aggregate extension
2 base for levy year 2021 would have been if the program had
3 levied a property tax for levy year 2021.

4 "Levy year" has the same meaning as "year" under Section
5 1-155.

6 "New property" means (i) the assessed value, after final
7 board of review or board of appeals action, of new
8 improvements or additions to existing improvements on any
9 parcel of real property that increase the assessed value of
10 that real property during the levy year multiplied by the
11 equalization factor issued by the Department under Section
12 17-30, (ii) the assessed value, after final board of review or
13 board of appeals action, of real property not exempt from real
14 estate taxation, which real property was exempt from real
15 estate taxation for any portion of the immediately preceding
16 levy year, multiplied by the equalization factor issued by the
17 Department under Section 17-30, including the assessed value,
18 upon final stabilization of occupancy after new construction
19 is complete, of any real property located within the
20 boundaries of an otherwise or previously exempt military
21 reservation that is intended for residential use and owned by
22 or leased to a private corporation or other entity, (iii) in
23 counties that classify in accordance with Section 4 of Article
24 IX of the Illinois Constitution, an incentive property's
25 additional assessed value resulting from a scheduled increase
26 in the level of assessment as applied to the first year final

1 board of review market value, and (iv) any increase in
2 assessed value due to oil or gas production from an oil or gas
3 well required to be permitted under the Hydraulic Fracturing
4 Regulatory Act that was not produced in or accounted for
5 during the previous levy year. In addition, the county clerk
6 in a county containing a population of 3,000,000 or more shall
7 include in the 1997 recovered tax increment value for any
8 school district, any recovered tax increment value that was
9 applicable to the 1995 tax year calculations.

10 "Qualified airport authority" means an airport authority
11 organized under the Airport Authorities Act and located in a
12 county bordering on the State of Wisconsin and having a
13 population in excess of 200,000 and not greater than 500,000.

14 "Recovered tax increment value" means, except as otherwise
15 provided in this paragraph, the amount of the current year's
16 equalized assessed value, in the first year after a
17 municipality terminates the designation of an area as a
18 redevelopment project area previously established under the
19 Tax Increment Allocation Redevelopment Act in the Illinois
20 Municipal Code, previously established under the Industrial
21 Jobs Recovery Law in the Illinois Municipal Code, previously
22 established under the Economic Development Project Area Tax
23 Increment Act of 1995, or previously established under the
24 Economic Development Area Tax Increment Allocation Act, of
25 each taxable lot, block, tract, or parcel of real property in
26 the redevelopment project area over and above the initial

1 equalized assessed value of each property in the redevelopment
2 project area. For the taxes which are extended for the 1997
3 levy year, the recovered tax increment value for a non-home
4 rule taxing district that first became subject to this Law for
5 the 1995 levy year because a majority of its 1994 equalized
6 assessed value was in an affected county or counties shall be
7 increased if a municipality terminated the designation of an
8 area in 1993 as a redevelopment project area previously
9 established under the Tax Increment Allocation Redevelopment
10 Act in the Illinois Municipal Code, previously established
11 under the Industrial Jobs Recovery Law in the Illinois
12 Municipal Code, or previously established under the Economic
13 Development Area Tax Increment Allocation Act, by an amount
14 equal to the 1994 equalized assessed value of each taxable
15 lot, block, tract, or parcel of real property in the
16 redevelopment project area over and above the initial
17 equalized assessed value of each property in the redevelopment
18 project area. In the first year after a municipality removes a
19 taxable lot, block, tract, or parcel of real property from a
20 redevelopment project area established under the Tax Increment
21 Allocation Redevelopment Act in the Illinois Municipal Code,
22 the Industrial Jobs Recovery Law in the Illinois Municipal
23 Code, or the Economic Development Area Tax Increment
24 Allocation Act, "recovered tax increment value" means the
25 amount of the current year's equalized assessed value of each
26 taxable lot, block, tract, or parcel of real property removed

1 from the redevelopment project area over and above the initial
2 equalized assessed value of that real property before removal
3 from the redevelopment project area.

4 Except as otherwise provided in this Section, "limiting
5 rate" means a fraction the numerator of which is the last
6 preceding aggregate extension base times an amount equal to
7 one plus the extension limitation defined in this Section and
8 the denominator of which is the current year's equalized
9 assessed value of all real property in the territory under the
10 jurisdiction of the taxing district during the prior levy
11 year. For those taxing districts that reduced their aggregate
12 extension for the last preceding levy year, except for school
13 districts that reduced their extension for educational
14 purposes pursuant to Section 18-206, the highest aggregate
15 extension in any of the last 3 preceding levy years shall be
16 used for the purpose of computing the limiting rate. The
17 denominator shall not include new property or the recovered
18 tax increment value. If a new rate, a rate decrease, or a
19 limiting rate increase has been approved at an election held
20 after March 21, 2006, then (i) the otherwise applicable
21 limiting rate shall be increased by the amount of the new rate
22 or shall be reduced by the amount of the rate decrease, as the
23 case may be, or (ii) in the case of a limiting rate increase,
24 the limiting rate shall be equal to the rate set forth in the
25 proposition approved by the voters for each of the years
26 specified in the proposition, after which the limiting rate of

1 the taxing district shall be calculated as otherwise provided.
2 In the case of a taxing district that obtained referendum
3 approval for an increased limiting rate on March 20, 2012, the
4 limiting rate for tax year 2012 shall be the rate that
5 generates the approximate total amount of taxes extendable for
6 that tax year, as set forth in the proposition approved by the
7 voters; this rate shall be the final rate applied by the county
8 clerk for the aggregate of all capped funds of the district for
9 tax year 2012.

10 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;
11 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; 102-707, eff.
12 4-22-22; 102-813, eff. 5-13-22; 102-895, eff. 5-23-22;
13 103-154, eff. 6-30-23; 103-587, eff. 5-28-24; 103-591, eff.
14 7-1-24; 103-592, eff. 6-7-24; revised 7-9-24.)

15 (35 ILCS 200/18-250)

16 Sec. 18-250. Additions to forfeited taxes and unpaid
17 special assessments; fee for estimate.

18 (a) When any property has been forfeited for taxes or
19 special assessments, the clerk shall compute the amount of
20 back taxes and special assessments, interest, statutory costs,
21 and printer's fees remaining due, with one year's interest on
22 all taxes forfeited, and enter them upon the collector's books
23 as separate items. Except as otherwise provided in Section
24 21-375, the aggregate so computed shall be collected in the
25 same manner as the taxes on other property for that year. The

1 county clerk shall examine the forfeitures, and strike all
2 errors and make corrections as necessary. For counties with
3 fewer than 3,000,000 inhabitants, interest added to
4 forfeitures under this Section shall be at the rate of 12% per
5 year. For counties with 3,000,000 or more inhabitants,
6 interest added to forfeitures under this Section shall accrue
7 at the rate of (i) 12% per year if the forfeiture is for a tax
8 year before tax year 2023 or (ii) 0.75% per month, or portion
9 thereof, if the forfeiture is for tax year 2023 or any tax year
10 thereafter.

11 (b) In counties with 3,000,000 or more inhabitants, taxes
12 first extended for prior years, or previously extended for
13 prior years for which application for judgment and order of
14 sale is not already pending, shall be added to the tax of the
15 current year, with interest and costs as provided by law.
16 Forfeitures shall not be so added, but they shall remain a lien
17 on the property upon which they were charged until paid or sold
18 as provided by law. There shall be added to such forfeitures
19 annually the same interest as would be added if forfeited
20 annually, until paid or sold, and the addition of each year's
21 interest shall be considered a separate forfeiture.
22 Forfeitures may be redeemed in the manner provided in Section
23 21-370 or 21-375. Taxes and special assessments for which
24 application for judgment and order of sale is pending, or
25 entered but not enforced for any reason, shall not be added to
26 the tax for the current year. However, if the taxes and special

1 assessments remain unpaid, the property~~7~~ shall be advertised
2 and sold under judgments and orders of sale to be entered in
3 pending applications, or already entered in prior
4 applications, including judgments and orders of sale under
5 which the purchaser fails to complete his or her purchase.

6 (c) In counties with 3,000,000 or more inhabitants, on or
7 before January 1, 2001 and during each year thereafter, the
8 county clerk shall compute the amount of taxes on each
9 property that remain due or forfeited for any year prior to the
10 current year and have not become subject to Sections 20-180
11 through 20-190, and the clerk shall enter the same upon the
12 collector's warrant books of the current and all following
13 years as separate items in a suitable column. The county clerk
14 shall examine the collector's warrant books and the Tax
15 Judgment, Sale, Redemption and Forfeiture records for the
16 appropriate years and may take any other actions as the clerk
17 finds to be necessary or convenient in order to comply with
18 this subsection. On and after January 1, 2001, any taxes for
19 any year remaining due or forfeited against real property in
20 such county not entered on the current collector's warrant
21 books shall be deemed uncollectible and void, but shall not be
22 subject to the posting or other requirements of Sections
23 20-180 through 20-190.

24 (d) In counties with 100,000 or more inhabitants, the
25 county clerk shall, when making the annual collector's books,
26 in a suitable column, insert and designate previous

1 forfeitures of general taxes by the word "forfeiture", to be
2 stamped opposite each property forfeited at the last previous
3 tax sale for general taxes and not redeemed or purchased
4 previous to the completion of the collector's books. The
5 collectors of general taxes shall stamp upon all bills
6 rendered and receipts given the information on the collector's
7 books regarding forfeiture of general taxes, and the stamped
8 notation shall also refer the recipient to the county clerk
9 for full information. The county clerk shall be allowed to
10 collect from the person requesting an estimate of costs of
11 redemption of a forfeited property, the fee provided by law.

12 (Source: P.A. 103-555, eff. 1-1-24; revised 7-22-24.)

13 (35 ILCS 200/22-15)

14 Sec. 22-15. Service of notice. The purchaser or his or her
15 assignee shall give the notice required by Section 22-10 by
16 causing it to be published in a newspaper as set forth in
17 Section 22-20. In addition, the notice shall be served upon
18 owners who reside on any part of the subject property by
19 leaving a copy of the notice with those owners personally. The
20 notice must be served by a sheriff (or if he or she is
21 disqualified, by a coroner) of the county in which the
22 property, or any part thereof, is located or, by a person who
23 is licensed or registered as a private detective under the
24 Private Detective, Private Alarm, Private Security,
25 Fingerprint Vendor, and Locksmith Act of 2004.

1 In counties of 3,000,000 or more inhabitants, if the
2 notice required by Section 22-10 is to be served by the
3 sheriff, no sale in error may be declared pursuant to Section
4 22-50 or subparagraph (5) of subsection (a) of Section 21-310
5 based upon the sheriff's failure to serve the notice in
6 accordance with this Section unless the notice and service
7 list for the first service attempt is delivered by the
8 purchaser or assignee to the sheriff at least 5 months prior to
9 the expiration of the period of redemption. Purchasers or
10 assignees may request that the sheriff make additional service
11 attempts to the same entities and locations, and the sheriff
12 may make those additional attempts within the noticing period
13 established in Section 22-10, but the sheriff's failure to
14 make such additional service attempts is not grounds for a
15 sale in error under Section 22-50 or subparagraph (5) of
16 subsection (a) of Section 21-310.

17 In counties of 3,000,000 or more inhabitants, if the
18 purchaser or assignee requests that the sheriff make an
19 additional service attempt upon an entity or to a location
20 that was not included on the service list for the first
21 attempt, then the purchaser or assignee must deliver the
22 notice and service list for the additional service attempt to
23 the sheriff at least 4 months before the expiration of the
24 period of redemption. If the purchaser or assignee delivers
25 the notice and service list for an additional service attempt
26 upon an entity or to a location that was not included on the

1 service list for the first attempt to the sheriff at least 4
2 months before the expiration of the period of redemption, then
3 the sheriff's failure to serve the notice in accordance with
4 this Section may be grounds for a sale in error under Section
5 22-50 but not under subparagraph (5) of subsection (a) of
6 Section 21-310. If the purchaser or assignee fails to deliver
7 the notice and service list for an additional service attempt
8 upon an entity or to a location that was not included on the
9 first service list to the sheriff at least 4 months prior to
10 the expiration of the period of redemption, then the sheriff's
11 failure to serve that additional notice in accordance with
12 this Section is not grounds for a sale in error under either
13 Section 22-50 or subparagraph (5) of subsection (a) of Section
14 21-310.

15 In counties of 3,000,000 or more inhabitants where a
16 taxing district is a petitioner for tax deed pursuant to
17 Section 21-90, in lieu of service by the sheriff or coroner the
18 notice may be served by a special process server appointed by
19 the circuit court as provided in this Section. The taxing
20 district may move prior to filing one or more petitions for tax
21 deed for appointment of such a special process server. The
22 court, upon being satisfied that the person named in the
23 motion is at least 18 years of age and is capable of serving
24 notice as required under this Code, shall enter an order
25 appointing such person as a special process server for a
26 period of one year. The appointment may be renewed for

1 successive periods of one year each by motion and order, and a
2 copy of the original and any subsequent order shall be filed in
3 each tax deed case in which a notice is served by the appointed
4 person. Delivery of the notice to and service of the notice by
5 the special process server shall have the same force and
6 effect as its delivery to and service by the sheriff or
7 coroner.

8 The same form of notice shall also be served, in the manner
9 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and
10 2-211 of the Code of Civil Procedure, upon all other owners and
11 parties interested in the property, if upon diligent inquiry
12 they can be found in the county, and upon the occupants of the
13 property.

14 If the property sold has more than 4 dwellings or other
15 rental units, and has a managing agent or party who collects
16 rents, that person shall be deemed the occupant and shall be
17 served with notice instead of the occupants of the individual
18 units. If the property has no dwellings or rental units, but
19 economic or recreational activities are carried on therein,
20 the person directing such activities shall be deemed the
21 occupant. Holders of rights of entry and possibilities of
22 reverter shall not be deemed parties interested in the
23 property.

24 When a party interested in the property is a trustee,
25 notice served upon the trustee shall be deemed to have been
26 served upon any beneficiary or note holder thereunder unless

1 the holder of the note is disclosed of record.

2 When a judgment is a lien upon the property sold, the
3 holder of the lien shall be served with notice if the name of
4 the judgment debtor as shown in the transcript, certified copy
5 or memorandum of judgment filed of record is identical, as to
6 given name and surname, with the name of the party interested
7 as it appears of record.

8 If any owner or party interested, upon diligent inquiry
9 and effort, cannot be found or served with notice in the county
10 as provided in this Section, and the person in actual
11 occupancy and possession is tenant to, or in possession under
12 the owners or the parties interested in the property, then
13 service of notice upon the tenant, occupant or person in
14 possession shall be deemed service upon the owners or parties
15 interested.

16 If any owner or party interested, upon diligent inquiry
17 and effort, cannot be found or served with notice in the
18 county, then the person making the service shall cause a copy
19 of the notice to be sent by registered or certified mail,
20 return receipt requested, to that party at his or her
21 residence, if ascertainable.

22 The changes to this Section made by Public Act 95-477
23 apply only to matters in which a petition for tax deed is filed
24 on or after June 1, 2008 (the effective date of Public Act
25 95-477).

26 (Source: P.A. 103-555, eff. 1-1-24; revised 8-6-24.)

1 (35 ILCS 200/22-40)

2 Sec. 22-40. Issuance of deed; possession.

3 (a) To obtain an order for issuance of tax deed, the
4 petitioner must provide sufficient evidence that:

5 (1) the redemption period has expired and the property
6 has not been redeemed;

7 (2) all taxes and special assessments which became due
8 and payable subsequent to the sale have been paid, unless
9 the county or its agent, as trustee pursuant to Section
10 21-90, is the petitioner;

11 (3) all forfeitures and sales which occur subsequent
12 to the sale are paid or redeemed, unless the county or its
13 agent, as trustee pursuant to Section 21-90, is the
14 petitioner;

15 (4) the notices required by law have been given, and
16 all advancements of public funds under the police power
17 made by a county, city, village, or town under Section
18 22-35 have been paid; and

19 (5) the petitioner has complied with all the
20 provisions of law entitling him or her to a deed.

21 Upon receipt of sufficient evidence of the requirements
22 under this subsection (a), the court shall find that the
23 petitioner complied with those requirements and shall enter an
24 order directing the county clerk, on the production of the tax
25 certificate and a certified copy of the order, to issue to the

1 purchaser or its assignee a tax deed. The court shall insist on
2 strict compliance with Section 22-10 through 22-25. Prior to
3 the entry of an order directing the issuance of a tax deed, the
4 petitioner shall furnish the court with a report of
5 proceedings of the evidence received on the application for
6 tax deed and the report of proceedings shall be filed and made
7 a part of the court record.

8 (b) Except as provided in subsection (e), if taxes for
9 years prior to the year or years sold are or become delinquent
10 subsequent to the date of sale, the court shall find that the
11 lien of those delinquent taxes has been or will be merged into
12 the tax deed grantee's title if the court determines that the
13 tax deed grantee or any prior holder of the certificate of
14 purchase, or any person or entity under common ownership or
15 control with any such grantee or prior holder of the
16 certificate of purchase, was at no time the holder of any
17 certificate of purchase for the years sought to be merged. If
18 delinquent taxes are merged into the tax deed pursuant to this
19 subsection, the court shall enter an order declaring which
20 specific taxes have been or will be merged into the tax deed
21 title and directing the county treasurer and county clerk to
22 reflect that declaration in the warrant and judgment records;
23 provided, that no such order shall be effective until a tax
24 deed has been issued and timely recorded. Nothing contained in
25 this Section shall relieve any owner liable for delinquent
26 property taxes under this Code from the payment of the taxes

1 that have been merged into the title upon issuance of the tax
2 deed.

3 (c) The county clerk is entitled to a fee of \$10 in
4 counties of 3,000,000 or more inhabitants and \$5 in counties
5 with less than 3,000,000 inhabitants for the issuance of the
6 tax deed, with the exception of deeds issued to the county
7 pursuant to its authority under Section 21-90. The clerk may
8 not include in a tax deed more than one property as listed,
9 assessed and sold in one description, except in cases where
10 several properties are owned by one person.

11 Upon application, the court shall enter an order to place
12 the tax deed grantee or the grantee's successor in interest in
13 possession of the property and may enter orders and grant
14 relief as may be necessary or desirable to maintain the
15 grantee or the grantee's successor in interest in possession.

16 (d) The court shall retain jurisdiction to enter orders
17 pursuant to subsections (b) and (c) of this Section. Public
18 Act 92-223 ~~This amendatory Act of the 92nd General Assembly~~
19 ~~and Public Act 95-477 this amendatory Act of the 95th General~~
20 ~~Assembly~~ shall be construed as being declarative of existing
21 law and not as a new enactment.

22 (e) Prior to the issuance of any tax deed under this
23 Section, the petitioner must redeem all taxes and special
24 assessments on the property that are subject to a pending tax
25 petition filed by a county or its assignee pursuant to Section
26 21-90.

1 (f) If, for any reason, a purchaser fails to obtain an
2 order for tax deed within the required time period and no sale
3 in error was granted or redemption paid, then the certificate
4 shall be forfeited to the county, as trustee, pursuant to
5 Section 21-90.

6 (Source: P.A. 103-555, eff. 1-1-24; revised 8-5-24.)

7 Section 325. The Telecommunications Excise Tax Act is
8 amended by changing Section 2 as follows:

9 (35 ILCS 630/2) (from Ch. 120, par. 2002)

10 Sec. 2. As used in this Article, unless the context
11 clearly requires otherwise:

12 (a) "Gross charge" means the amount paid for the act or
13 privilege of originating or receiving telecommunications in
14 this State and for all services and equipment provided in
15 connection therewith by a retailer, valued in money whether
16 paid in money or otherwise, including cash, credits, services,
17 and property of every kind or nature, and shall be determined
18 without any deduction on account of the cost of such
19 telecommunications, the cost of materials used, labor or
20 service costs, or any other expense whatsoever. In case credit
21 is extended, the amount thereof shall be included only as and
22 when paid. "Gross charges" for private line service shall
23 include charges imposed at each channel termination point
24 within this State, charges for the channel mileage between

1 each channel termination point within this State, and charges
2 for that portion of the interstate inter-office channel
3 provided within Illinois. Charges for that portion of the
4 interstate inter-office channel provided in Illinois shall be
5 determined by the retailer as follows: (i) for interstate
6 inter-office channels having 2 channel termination points,
7 only one of which is in Illinois, 50% of the total charge
8 imposed; or (ii) for interstate inter-office channels having
9 more than 2 channel termination points, one or more of which
10 are in Illinois, an amount equal to the total charge
11 multiplied by a fraction, the numerator of which is the number
12 of channel termination points within Illinois and the
13 denominator of which is the total number of channel
14 termination points. Prior to January 1, 2004, any method
15 consistent with this paragraph or other method that reasonably
16 apportions the total charges for interstate inter-office
17 channels among the states in which channel terminations points
18 are located shall be accepted as a reasonable method to
19 determine the charges for that portion of the interstate
20 inter-office channel provided within Illinois for that period.
21 However, "gross charges" shall not include any of the
22 following:

- 23 (1) Any amounts added to a purchaser's bill because of
24 a charge made pursuant to (i) the tax imposed by this
25 Article; (ii) charges added to customers' bills pursuant
26 to the provisions of Section ~~Sections~~ 9-221 or 9-222 of

1 the Public Utilities Act, as amended, or any similar
2 charges added to customers' bills by retailers who are not
3 subject to rate regulation by the Illinois Commerce
4 Commission for the purpose of recovering any of the tax
5 liabilities or other amounts specified in such provisions
6 of such Act; (iii) the tax imposed by Section 4251 of the
7 Internal Revenue Code; (iv) 911 surcharges; or (v) the tax
8 imposed by the Simplified Municipal Telecommunications Tax
9 Act.

10 (2) Charges for a sent collect telecommunication
11 received outside of the State.

12 (3) Charges for leased time on equipment or charges
13 for the storage of data or information for subsequent
14 retrieval or the processing of data or information
15 intended to change its form or content. Such equipment
16 includes, but is not limited to, the use of calculators,
17 computers, data processing equipment, tabulating
18 equipment, or accounting equipment and also includes the
19 usage of computers under a time-sharing agreement.

20 (4) Charges for customer equipment, including such
21 equipment that is leased or rented by the customer from
22 any source, wherein such charges are disaggregated and
23 separately identified from other charges.

24 (5) Charges to business enterprises certified under
25 Section 9-222.1 of the Public Utilities Act, as amended,
26 or under Section 95 of the Reimagining Energy and Vehicles

1 in Illinois Act, to the extent of such exemption and
2 during the period of time specified by the Department of
3 Commerce and Economic Opportunity.

4 (5.1) Charges to business enterprises certified under
5 the Manufacturing Illinois Chips for Real Opportunity
6 (MICRO) Act, to the extent of the exemption and during the
7 period of time specified by the Department of Commerce and
8 Economic Opportunity.

9 (5.2) Charges to entities certified under Section
10 605-1115 of the Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of
12 Illinois to the extent of the exemption and during the
13 period of time specified by the Department of Commerce and
14 Economic Opportunity.

15 (6) Charges for telecommunications and all services
16 and equipment provided in connection therewith between a
17 parent corporation and its wholly owned subsidiaries or
18 between wholly owned subsidiaries when the tax imposed
19 under this Article has already been paid to a retailer and
20 only to the extent that the charges between the parent
21 corporation and wholly owned subsidiaries or between
22 wholly owned subsidiaries represent expense allocation
23 between the corporations and not the generation of profit
24 for the corporation rendering such service.

25 (7) Bad debts. Bad debt means any portion of a debt
26 that is related to a sale at retail for which gross charges

1 are not otherwise deductible or excludable that has become
2 worthless or uncollectable, as determined under applicable
3 federal income tax standards. If the portion of the debt
4 deemed to be bad is subsequently paid, the retailer shall
5 report and pay the tax on that portion during the
6 reporting period in which the payment is made.

7 (8) Charges paid by inserting coins in coin-operated
8 telecommunication devices.

9 (9) Amounts paid by telecommunications retailers under
10 the Telecommunications Municipal Infrastructure
11 Maintenance Fee Act.

12 (10) Charges for nontaxable services or
13 telecommunications if (i) those charges are aggregated
14 with other charges for telecommunications that are
15 taxable, (ii) those charges are not separately stated on
16 the customer bill or invoice, and (iii) the retailer can
17 reasonably identify the nontaxable charges on the
18 retailer's books and records kept in the regular course of
19 business. If the nontaxable charges cannot reasonably be
20 identified, the gross charge from the sale of both taxable
21 and nontaxable services or telecommunications billed on a
22 combined basis shall be attributed to the taxable services
23 or telecommunications. The burden of proving nontaxable
24 charges shall be on the retailer of the
25 telecommunications.

26 (b) "Amount paid" means the amount charged to the

1 taxpayer's service address in this State regardless of where
2 such amount is billed or paid.

3 (c) "Telecommunications", in addition to the meaning
4 ordinarily and popularly ascribed to it, includes, without
5 limitation, messages or information transmitted through use of
6 local, toll, and wide area telephone service; private line
7 services; channel services; telegraph services;
8 teletypewriter; computer exchange services; cellular mobile
9 telecommunications service; specialized mobile radio;
10 stationary 2-way ~~two-way~~ radio; paging service; or any other
11 form of mobile and portable one-way or 2-way ~~two-way~~
12 communications; or any other transmission of messages or
13 information by electronic or similar means, between or among
14 points by wire, cable, fiber optics ~~fiber-optics~~, laser,
15 microwave, radio, satellite, or similar facilities. As used in
16 this Act, "private line" means a dedicated non-traffic
17 sensitive service for a single customer, that entitles the
18 customer to exclusive or priority use of a communications
19 channel or group of channels, from one or more specified
20 locations to one or more other specified locations. The
21 definition of "telecommunications" shall not include value
22 added services in which computer processing applications are
23 used to act on the form, content, code, and protocol of the
24 information for purposes other than transmission.
25 "Telecommunications" shall not include purchases of
26 telecommunications by a telecommunications service provider

1 for use as a component part of the service provided by him to
2 the ultimate retail consumer who originates or terminates the
3 taxable end-to-end communications. Carrier access charges,
4 right of access charges, charges for use of inter-company
5 facilities, and all telecommunications resold in the
6 subsequent provision of, used as a component of, or integrated
7 into end-to-end telecommunications service shall be
8 non-taxable as sales for resale.

9 (d) "Interstate telecommunications" means all
10 telecommunications that either originate or terminate outside
11 this State.

12 (e) "Intrastate telecommunications" means all
13 telecommunications that originate and terminate within this
14 State.

15 (f) "Department" means the Department of Revenue of the
16 State of Illinois.

17 (g) "Director" means the Director of Revenue for the
18 Department of Revenue of the State of Illinois.

19 (h) "Taxpayer" means a person who individually or through
20 his agents, employees, or permittees engages in the act or
21 privilege of originating or receiving telecommunications in
22 this State and who incurs a tax liability under this Article.

23 (i) "Person" means any natural individual, firm, trust,
24 estate, partnership, association, joint stock company, joint
25 venture, corporation, limited liability company, or a
26 receiver, trustee, guardian or other representative appointed

1 by order of any court, the federal ~~Federal~~ and State
2 governments, including State universities created by statute
3 or any city, town, county, or other political subdivision of
4 this State.

5 (j) "Purchase at retail" means the acquisition,
6 consumption, or use of telecommunication through a sale at
7 retail.

8 (k) "Sale at retail" means the transmitting, supplying, or
9 furnishing of telecommunications and all services and
10 equipment provided in connection therewith for a consideration
11 to persons other than the federal ~~Federal~~ and State
12 governments, and State universities created by statute and
13 other than between a parent corporation and its wholly owned
14 subsidiaries or between wholly owned subsidiaries for their
15 use or consumption and not for resale.

16 (l) "Retailer" means and includes every person engaged in
17 the business of making sales at retail as defined in this
18 Article. The Department may, in its discretion, upon
19 application, authorize the collection of the tax hereby
20 imposed by any retailer not maintaining a place of business
21 within this State, who, to the satisfaction of the Department,
22 furnishes adequate security to insure collection and payment
23 of the tax. Such retailer shall be issued, without charge, a
24 permit to collect such tax. When so authorized, it shall be the
25 duty of such retailer to collect the tax upon all of the gross
26 charges for telecommunications in this State in the same

1 manner and subject to the same requirements as a retailer
2 maintaining a place of business within this State. The permit
3 may be revoked by the Department at its discretion.

4 (m) "Retailer maintaining a place of business in this
5 State", or any like term, means and includes any retailer
6 having or maintaining within this State, directly or by a
7 subsidiary, an office, distribution facilities, transmission
8 facilities, sales office, warehouse or other place of
9 business, or any agent or other representative operating
10 within this State under the authority of the retailer or its
11 subsidiary, irrespective of whether such place of business or
12 agent or other representative is located here permanently or
13 temporarily, or whether such retailer or subsidiary is
14 licensed to do business in this State.

15 (n) "Service address" means the location of
16 telecommunications equipment from which the telecommunications
17 services are originated or at which telecommunications
18 services are received by a taxpayer. In the event this may not
19 be a defined location, as in the case of mobile phones, paging
20 systems, maritime systems, "service address" means the
21 customer's place of primary use as defined in the Mobile
22 Telecommunications Sourcing Conformity Act. For air-to-ground
23 systems and the like, "service address" shall mean the
24 location of a taxpayer's primary use of the telecommunications
25 equipment as defined by telephone number, authorization code,
26 or location in Illinois where bills are sent.

1 (o) "Prepaid telephone calling arrangements" mean the
2 right to exclusively purchase telephone or telecommunications
3 services that must be paid for in advance and enable the
4 origination of one or more intrastate, interstate, or
5 international telephone calls or other telecommunications
6 using an access number, an authorization code, or both,
7 whether manually or electronically dialed, for which payment
8 to a retailer must be made in advance, provided that, unless
9 recharged, no further service is provided once that prepaid
10 amount of service has been consumed. Prepaid telephone calling
11 arrangements include the recharge of a prepaid calling
12 arrangement. For purposes of this subsection, "recharge" means
13 the purchase of additional prepaid telephone or
14 telecommunications services whether or not the purchaser
15 acquires a different access number or authorization code.
16 "Prepaid telephone calling arrangement" does not include an
17 arrangement whereby a customer purchases a payment card and
18 pursuant to which the service provider reflects the amount of
19 such purchase as a credit on an invoice issued to that customer
20 under an existing subscription plan.

21 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;
22 102-1125, eff. 2-3-23; 103-595, eff. 6-26-24; revised
23 10-21-24.)

24 Section 330. The Telecommunications Infrastructure
25 Maintenance Fee Act is amended by changing Section 10 as

1 follows:

2 (35 ILCS 635/10)

3 Sec. 10. Definitions. In this Act:

4 (a) "Gross charges" means the amount paid to a
5 telecommunications retailer for the act or privilege of
6 originating or receiving telecommunications in this State and
7 for all services rendered in connection therewith, valued in
8 money whether paid in money or otherwise, including cash,
9 credits, services, and property of every kind or nature, and
10 shall be determined without any deduction on account of the
11 cost of such telecommunications, the cost of the materials
12 used, labor or service costs, or any other expense whatsoever.
13 In case credit is extended, the amount thereof shall be
14 included only as and when paid. "Gross charges" for private
15 line service shall include charges imposed at each channel
16 termination point within this State, charges for the channel
17 mileage between each channel termination point within this
18 State, and charges for that portion of the interstate
19 inter-office channel provided within Illinois. Charges for
20 that portion of the interstate inter-office channel provided
21 in Illinois shall be determined by the retailer as follows:
22 (i) for interstate inter-office channels having 2 channel
23 termination points, only one of which is in Illinois, 50% of
24 the total charge imposed; or (ii) for interstate inter-office
25 channels having more than 2 channel termination points, one or

1 more of which are in Illinois, an amount equal to the total
2 charge multiplied by a fraction, the numerator of which is the
3 number of channel termination points within Illinois and the
4 denominator of which is the total number of channel
5 termination points. Prior to January 1, 2004, any method
6 consistent with this paragraph or other method that reasonably
7 apportions the total charges for interstate inter-office
8 channels among the states in which channel terminations points
9 are located shall be accepted as a reasonable method to
10 determine the charges for that portion of the interstate
11 inter-office channel provided within Illinois for that period.
12 However, "gross charges" shall not include any of the
13 following:

14 (1) Any amounts added to a purchaser's bill because of
15 a charge made under: (i) the fee imposed by this Section,
16 (ii) additional charges added to a purchaser's bill under
17 Section 9-221 or 9-222 of the Public Utilities Act, (iii)
18 the tax imposed by the Telecommunications Excise Tax Act,
19 (iv) 911 surcharges, (v) the tax imposed by Section 4251
20 of the Internal Revenue Code, or (vi) the tax imposed by
21 the Simplified Municipal Telecommunications Tax Act.

22 (2) Charges for a sent collect telecommunication
23 received outside of this State.

24 (3) Charges for leased time on equipment or charges
25 for the storage of data or information or subsequent
26 retrieval or the processing of data or information

1 intended to change its form or content. Such equipment
2 includes, but is not limited to, the use of calculators,
3 computers, data processing equipment, tabulating
4 equipment, or accounting equipment and also includes the
5 usage of computers under a time-sharing agreement.

6 (4) Charges for customer equipment, including such
7 equipment that is leased or rented by the customer from
8 any source, wherein such charges are disaggregated and
9 separately identified from other charges.

10 (5) Charges to business enterprises certified under
11 Section 9-222.1 of the Public Utilities Act to the extent
12 of such exemption and during the period of time specified
13 by the Department of Commerce and Economic Opportunity.

14 (5.1) Charges to business enterprises certified under
15 Section 95 of the Reimagining Energy and Vehicles in
16 Illinois Act, to the extent of the exemption and during
17 the period of time specified by the Department of Commerce
18 and Economic Opportunity.

19 (5.2) Charges to business enterprises certified under
20 Section 110-95 of the Manufacturing Illinois Chips for
21 Real Opportunity (MICRO) Act, to the extent of the
22 exemption and during the period of time specified by the
23 Department of Commerce and Economic Opportunity.

24 (5.3) Charges to entities certified under Section
25 605-1115 of the Department of Commerce and Economic
26 Opportunity Law of the Civil Administrative Code of

1 Illinois to the extent of the exemption and during the
2 period of time specified by the Department of Commerce and
3 Economic Opportunity.

4 (6) Charges for telecommunications and all services
5 and equipment provided in connection therewith between a
6 parent corporation and its wholly owned subsidiaries or
7 between wholly owned subsidiaries, and only to the extent
8 that the charges between the parent corporation and wholly
9 owned subsidiaries or between wholly owned subsidiaries
10 represent expense allocation between the corporations and
11 not the generation of profit other than a regulatory
12 required profit for the corporation rendering such
13 services.

14 (7) Bad debts ("bad debt" means any portion of a debt
15 that is related to a sale at retail for which gross charges
16 are not otherwise deductible or excludable that has become
17 worthless or uncollectible, as determined under applicable
18 federal income tax standards; if the portion of the debt
19 deemed to be bad is subsequently paid, the retailer shall
20 report and pay the tax on that portion during the
21 reporting period in which the payment is made).

22 (8) Charges paid by inserting coins in coin-operated
23 telecommunication devices.

24 (9) Charges for nontaxable services or
25 telecommunications if (i) those charges are aggregated
26 with other charges for telecommunications that are

1 taxable, (ii) those charges are not separately stated on
2 the customer bill or invoice, and (iii) the retailer can
3 reasonably identify the nontaxable charges on the
4 retailer's books and records kept in the regular course of
5 business. If the nontaxable charges cannot reasonably be
6 identified, the gross charge from the sale of both taxable
7 and nontaxable services or telecommunications billed on a
8 combined basis shall be attributed to the taxable services
9 or telecommunications. The burden of proving nontaxable
10 charges shall be on the retailer of the
11 telecommunications.

12 (a-5) "Department" means the Illinois Department of
13 Revenue.

14 (b) "Telecommunications" includes, but is not limited to,
15 messages or information transmitted through use of local,
16 toll, and wide area telephone service, channel services,
17 telegraph services, teletypewriter service, computer exchange
18 services, private line services, specialized mobile radio
19 services, or any other transmission of messages or information
20 by electronic or similar means, between or among points by
21 wire, cable, fiber optics, laser, microwave, radio, satellite,
22 or similar facilities. Unless the context clearly requires
23 otherwise, "telecommunications" shall also include wireless
24 telecommunications as hereinafter defined.
25 "Telecommunications" shall not include value added services in
26 which computer processing applications are used to act on the

1 form, content, code, and protocol of the information for
2 purposes other than transmission. "Telecommunications" shall
3 not include purchase of telecommunications by a
4 telecommunications service provider for use as a component
5 part of the service provided by him or her to the ultimate
6 retail consumer who originates or terminates the end-to-end
7 communications. Retailer access charges, right of access
8 charges, charges for use of intercompany facilities, and all
9 telecommunications resold in the subsequent provision and used
10 as a component of, or integrated into, end-to-end
11 telecommunications service shall not be included in gross
12 charges as sales for resale. "Telecommunications" shall not
13 include the provision of cable services through a cable system
14 as defined in the Cable Communications Act of 1984 (47 U.S.C.
15 Sections 521 and following) as now or hereafter amended or
16 through an open video system as defined in the Rules of the
17 Federal Communications Commission (47 C.D.F. 76.1550 and
18 following) as now or hereafter amended. Beginning January 1,
19 2001, prepaid telephone calling arrangements shall not be
20 considered "telecommunications" subject to the tax imposed
21 under this Act. For purposes of this Section, "prepaid
22 telephone calling arrangements" means that term as defined in
23 Section 2-27 of the Retailers' Occupation Tax Act.

24 (c) "Wireless telecommunications" includes cellular mobile
25 telephone services, personal wireless services as defined in
26 Section 704(C) of the Telecommunications Act of 1996 (Public

1 Law No. 104-104) as now or hereafter amended, including all
2 commercial mobile radio services, and paging services.

3 (d) "Telecommunications retailer" or "retailer" or
4 "carrier" means and includes every person engaged in the
5 business of making sales of telecommunications at retail as
6 defined in this Section. The Department may, in its
7 discretion, upon applications, authorize the collection of the
8 fee hereby imposed by any retailer not maintaining a place of
9 business within this State, who, to the satisfaction of the
10 Department, furnishes adequate security to insure collection
11 and payment of the fee. When so authorized, it shall be the
12 duty of such retailer to pay the fee upon all of the gross
13 charges for telecommunications in the same manner and subject
14 to the same requirements as a retailer maintaining a place of
15 business within this State.

16 (e) "Retailer maintaining a place of business in this
17 State", or any like term, means and includes any retailer
18 having or maintaining within this State, directly or by a
19 subsidiary, an office, distribution facilities, transmission
20 facilities, sales office, warehouse, or other place of
21 business, or any agent or other representative operating
22 within this State under the authority of the retailer or its
23 subsidiary, irrespective of whether such place of business or
24 agent or other representative is located here permanently or
25 temporarily, or whether such retailer or subsidiary is
26 licensed to do business in this State.

1 (f) "Sale of telecommunications at retail" means the
2 transmitting, supplying, or furnishing of telecommunications
3 and all services rendered in connection therewith for a
4 consideration, other than between a parent corporation and its
5 wholly owned subsidiaries or between wholly owned
6 subsidiaries, when the gross charge made by one such
7 corporation to another such corporation is not greater than
8 the gross charge paid to the retailer for their use or
9 consumption and not for sale.

10 (g) "Service address" means the location of
11 telecommunications equipment from which telecommunications
12 services are originated or at which telecommunications
13 services are received. If this is not a defined location, as in
14 the case of wireless telecommunications, paging systems,
15 maritime systems, "service address" means the customer's place
16 of primary use as defined in the Mobile Telecommunications
17 Sourcing Conformity Act. For air-to-ground systems, and the
18 like, "service address" shall mean the location of the
19 customer's primary use of the telecommunications equipment as
20 defined by the location in Illinois where bills are sent.

21 (Source: P.A. 102-1125, eff. 2-3-23; 103-595, eff. 6-26-24;
22 revised 10-21-24.)

23 Section 335. The Illinois Pension Code is amended by
24 changing Sections 9-169.2, 13-309, 13-310, and 15-112 as
25 follows:

1 (40 ILCS 5/9-169.2)

2 Sec. 9-169.2. Minimum required employer contribution. The
3 minimum required employer contribution for a specified year,
4 as set forth in the annual actuarial report required under
5 Section 9-169.1, shall be the amount determined by the Fund's
6 actuary to be equal to the sum of: (i) the projected normal
7 cost for pensions for that fiscal year based on the entry age
8 actuarial cost method, plus (ii) a projected unfunded
9 actuarial accrued liability amortization payment for pensions
10 for the fiscal year, plus (iii) projected expenses for that
11 fiscal year, plus (iv) interest to adjust for payment pattern
12 during the fiscal year, less (v) projected employee
13 contributions for that fiscal year.

14 The minimum required employer contribution for the next
15 year shall be submitted annually by the county on or before
16 June 14 of each year unless another time frame is agreed upon
17 by the county and the Fund.

18 For the purposes of this Section:

19 "5-Year smoothed actuarial value of assets" means the
20 value of assets as determined by a method that spreads the
21 effect of each year's investment return in excess of or below
22 the expected return.

23 "Entry age actuarial cost method" means a method of
24 determining the normal cost and is determined as a level
25 percentage of pay that, if paid from entry age to the assumed

1 retirement age, assuming all the actuarial assumptions are
2 exactly met by experience and no changes in assumptions or
3 benefit provisions, would accumulate to a fund sufficient to
4 pay all benefits provided by the Fund.

5 "Layered amortization" means a technique that separately
6 layers the different components of the unfunded actuarial
7 accrued liabilities to be amortized over a fixed period not to
8 exceed 30 years.

9 "Projected expenses" means the projected administrative
10 expenses for the cost of administering ~~administrating~~ the
11 Fund.

12 "Projected normal costs for pensions" means the cost of
13 the benefits that accrue during the year for active members
14 under the entry age actuarial cost method.

15 "Unfunded actuarial accrued liability amortization
16 payment" means the annual contribution equal to the difference
17 between the values of assets and the accrued liabilities of
18 the plan, calculated by an actuary, needed to amortize the
19 Fund's liabilities over a period of 30 years starting in 2017,
20 with layered amortization of the Fund's unexpected unfunded
21 actuarial accrued liability amortization payment following
22 2017 in periods of 30 years, with amortization payments
23 increasing 2% per year, and reflecting a discount rate for all
24 liabilities consistent with the assumed investment rate of
25 return on fund assets and a 5-year smoothed actuarial value of
26 assets.

1 (Source: P.A. 103-529, eff. 8-11-23; revised 7-17-24.)

2 (40 ILCS 5/13-309) (from Ch. 108 1/2, par. 13-309)

3 Sec. 13-309. Duty disability benefit.

4 (a) Any employee who becomes disabled, which disability is
5 the result of an injury or illness compensable under the
6 Illinois Workers' Compensation Act or the Illinois Workers'
7 Occupational Diseases Act, is entitled to a duty disability
8 benefit during the period of disability for which the employee
9 does not receive any part of salary, or any part of a
10 retirement annuity under this Article; except that in the case
11 of an employee who first enters service on or after June 13,
12 1997 and becomes disabled before August 18, 2005 (the
13 effective date of Public Act 94-621), a duty disability
14 benefit is not payable for the first 3 days of disability that
15 would otherwise be payable under this Section if the
16 disability does not continue for at least 11 additional days.
17 The changes made to this Section by Public Act 94-621 are
18 prospective only and do not entitle an employee to a duty
19 disability benefit for the first 3 days of any disability that
20 occurred before that effective date and did not continue for
21 at least 11 additional days. This benefit shall be 75% of
22 salary at the date disability begins. However, if the
23 disability in any measure resulted from any physical defect or
24 disease which existed at the time such injury was sustained or
25 such illness commenced, the duty disability benefit shall be

1 50% of salary.

2 Unless the employer acknowledges that the disability is a
3 result of injury or illness compensable under the Workers'
4 Compensation Act or the Workers' Occupational Diseases Act,
5 the duty disability benefit shall not be payable until the
6 issue of compensability under those Acts is finally
7 adjudicated. The period of disability shall be as determined
8 by the Illinois Workers' Compensation Commission or
9 acknowledged by the employer.

10 An employee in service before June 13, 1997 shall also
11 receive a child's disability benefit during the period of
12 disability of \$10 per month for each unmarried natural or
13 adopted child of the employee under 18 years of age.

14 The first payment shall be made not later than one month
15 after the benefit is granted, and subsequent payments shall be
16 made at least monthly. The Board shall by rule prescribe for
17 the payment of such benefits on the basis of the amount of
18 salary lost during the period of disability.

19 (b) The benefit shall be allowed only if all of the
20 following requirements are met by the employee:

21 (1) Application is made to the Board.

22 (2) A medical report is submitted by at least one
23 licensed health care professional as part of the
24 employee's application.

25 (3) The employee is examined by at least one licensed
26 health care professional appointed by the Board and found

1 to be in a disabled physical condition and shall be
2 re-examined at least annually thereafter during the
3 continuance of disability. The employee need not be
4 examined by a licensed health care professional appointed
5 by the Board if the attorney for the district certifies in
6 writing that the employee is entitled to receive
7 compensation under the Workers' Compensation Act or the
8 Workers' Occupational Diseases Act. The Board may require
9 other evidence of disability.

10 (c) The benefit shall terminate when:

11 (1) The employee returns to work or receives a
12 retirement annuity paid wholly or in part under this
13 Article;

14 (2) The disability ceases;

15 (3) The employee attains age 65, but if the employee
16 becomes disabled at age 60 or later, benefits may be
17 extended for a period of no more than 5 years after
18 disablement;

19 (4) The employee (i) refuses to submit to reasonable
20 examinations by licensed health care professionals
21 appointed by the Board, (ii) fails or refuses to consent
22 to and sign an authorization allowing the Board to receive
23 copies of or to examine the employee's medical and
24 hospital records, or (iii) fails or refuses to provide
25 complete information regarding any other employment for
26 compensation he or she has received since becoming

1 disabled; or

2 (5) The employee willfully and continuously refuses to
3 follow medical advice and treatment to enable the employee
4 to return to work. However, this provision does not apply
5 to an employee who relies in good faith on treatment by
6 prayer through spiritual means alone in accordance with
7 the tenets and practice of a recognized church or
8 religious denomination, by a duly accredited practitioner
9 thereof.

10 In the case of a duty disability recipient who returns to
11 work, the employee must make application to the Retirement
12 Board within 2 years from the date the employee last received
13 duty disability benefits in order to become again entitled to
14 duty disability benefits based on the injury for which a duty
15 disability benefit was theretofore paid.

16 (Source: P.A. 103-523, eff. 1-1-24; revised 7-17-24.)

17 (40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

18 Sec. 13-310. Ordinary disability benefit.

19 (a) Any employee who becomes disabled as the result of any
20 cause other than injury or illness incurred in the performance
21 of duty for the employer or any other employer, or while
22 engaged in self-employment activities, shall be entitled to an
23 ordinary disability benefit. The eligible period for this
24 benefit shall be 25% of the employee's total actual service
25 prior to the date of disability with a cumulative maximum

1 period of 5 years.

2 (b) The benefit shall be allowed only if the employee
3 files an application in writing with the Board, and a medical
4 report is submitted by at least one licensed health care
5 professional as part of the employee's application.

6 The benefit is not payable for any disability which begins
7 during any period of unpaid leave of absence. No benefit shall
8 be allowed for any period of disability prior to 30 days before
9 application is made, unless the Board finds good cause for the
10 delay in filing the application. The benefit shall not be paid
11 during any period for which the employee receives or is
12 entitled to receive any part of salary.

13 The benefit is not payable for any disability which begins
14 during any period of absence from duty other than allowable
15 vacation time in any calendar year. An employee whose
16 disability begins during any such ineligible period of absence
17 from service may not receive benefits until the employee
18 recovers from the disability and is in service for at least 15
19 consecutive working days after such recovery.

20 In the case of an employee who first enters service on or
21 after June 13, 1997, an ordinary disability benefit is not
22 payable for the first 3 days of disability that would
23 otherwise be payable under this Section if the disability does
24 not continue for at least 11 additional days.

25 Beginning on August 18, 2005 (the effective date of Public
26 Act 94-621) ~~this amendatory Act of the 94th General Assembly,~~

1 an employee who first entered service on or after June 13, 1997
2 is also eligible for ordinary disability benefits on the 31st
3 day after the last day worked, provided all sick leave is
4 exhausted.

5 (c) The benefit shall be 50% of the employee's salary at
6 the date of disability, and shall terminate when the earliest
7 of the following occurs:

8 (1) The employee returns to work or receives a
9 retirement annuity paid wholly or in part under this
10 Article;

11 (2) The disability ceases;

12 (3) The employee willfully and continuously refuses to
13 follow medical advice and treatment to enable the employee
14 to return to work. However, this provision does not apply
15 to an employee who relies in good faith on treatment by
16 prayer through spiritual means alone in accordance with
17 the tenets and practice of a recognized church or
18 religious denomination, by a duly accredited practitioner
19 thereof;

20 (4) The employee (i) refuses to submit to a reasonable
21 physical examination within 30 days of application by a
22 licensed health care professional appointed by the Board,
23 (ii) in the case of chronic alcoholism, the employee
24 refuses to join a rehabilitation program licensed by the
25 Department of Public Health of the State of Illinois and
26 certified by the Joint Commission on the Accreditation of

1 Hospitals, (iii) fails or refuses to consent to and sign
2 an authorization allowing the Board to receive copies of
3 or to examine the employee's medical and hospital records,
4 or (iv) fails or refuses to provide complete information
5 regarding any other employment for compensation he or she
6 has received since becoming disabled; or

7 (5) The eligibility ~~eligible~~ period for this benefit
8 has been exhausted.

9 The first payment of the benefit shall be made not later
10 than one month after the same has been granted, and subsequent
11 payments shall be made at least monthly.

12 (Source: P.A. 102-210, eff. 7-30-21; 103-523, eff. 1-1-24;
13 revised 7-17-24.)

14 (40 ILCS 5/15-112) (from Ch. 108 1/2, par. 15-112)

15 Sec. 15-112. Final rate of earnings. "Final rate of
16 earnings":

17 (a) This subsection (a) applies only to a Tier 1 member.

18 For an employee who is paid on an hourly basis or who
19 receives an annual salary in installments during 12 months of
20 each academic year, the average annual earnings during the 48
21 consecutive calendar month period ending with the last day of
22 final termination of employment or the 4 consecutive academic
23 years of service in which the employee's earnings were the
24 highest, whichever is greater. For any other employee, the
25 average annual earnings during the 4 consecutive academic

1 years of service in which his or her earnings were the highest.
2 For an employee with less than 48 months or 4 consecutive
3 academic years of service, the average earnings during his or
4 her entire period of service. The earnings of an employee with
5 more than 36 months of service under item (a) of Section
6 15-113.1 prior to the date of becoming a participant are, for
7 such period, considered equal to the average earnings during
8 the last 36 months of such service.

9 (b) This subsection (b) applies to a Tier 2 member.

10 For an employee who is paid on an hourly basis or who
11 receives an annual salary in installments during 12 months of
12 each academic year, the average annual earnings obtained by
13 dividing by 8 the total earnings of the employee during the 96
14 consecutive months in which the total earnings were the
15 highest within the last 120 months prior to termination.

16 For any other employee, the average annual earnings during
17 the 8 consecutive academic years within the 10 years prior to
18 termination in which the employee's earnings were the highest.
19 For an employee with less than 96 consecutive months or 8
20 consecutive academic years of service, whichever is necessary,
21 the average earnings during his or her entire period of
22 service.

23 (c) For an employee on leave of absence with pay, or on
24 leave of absence without pay who makes contributions during
25 such leave, earnings are assumed to be equal to the basic
26 compensation on the date the leave began.

1 (d) For an employee on disability leave, earnings are
2 assumed to be equal to the basic compensation on the date
3 disability occurs or the average earnings during the 24 months
4 immediately preceding the month in which disability occurs,
5 whichever is greater.

6 (e) For a Tier 1 member who retires on or after August 22,
7 1997 (the effective date of Public Act 90-511) ~~this amendatory~~
8 ~~Act of 1997~~ with at least 20 years of service as a firefighter
9 or police officer under this Article, the final rate of
10 earnings shall be the annual rate of earnings received by the
11 participant on his or her last day as a firefighter or police
12 officer under this Article, if that is greater than the final
13 rate of earnings as calculated under the other provisions of
14 this Section.

15 (f) If a Tier 1 member is an employee for at least 6 months
16 during the academic year in which his or her employment is
17 terminated, the annual final rate of earnings shall be 25% of
18 the sum of (1) the annual basic compensation for that year, and
19 (2) the amount earned during the 36 months immediately
20 preceding that year, if this is greater than the final rate of
21 earnings as calculated under the other provisions of this
22 Section.

23 (g) In the determination of the final rate of earnings for
24 an employee, that part of an employee's earnings for any
25 academic year beginning after June 30, 1997, which exceeds the
26 employee's earnings with that employer for the preceding year

1 by more than 20% ~~20 percent~~ shall be excluded; in the event
2 that an employee has more than one employer this limitation
3 shall be calculated separately for the earnings with each
4 employer. In making such calculation, only the basic
5 compensation of employees shall be considered, without regard
6 to vacation or overtime or to contracts for summer employment.
7 Beginning September 1, 2024, this subsection (g) also applies
8 to an employee who has been employed at 1/2 time or less for 3
9 or more years.

10 (h) The following are not considered as earnings in
11 determining the final rate of earnings: (1) severance or
12 separation pay, (2) retirement pay, (3) payment for unused
13 sick leave, and (4) payments from an employer for the period
14 used in determining the final rate of earnings for any purpose
15 other than (i) services rendered, (ii) leave of absence or
16 vacation granted during that period, and (iii) vacation of up
17 to 56 work days allowed upon termination of employment; except
18 that, if the benefit has been collectively bargained between
19 the employer and the recognized collective bargaining agent
20 pursuant to the Illinois Educational Labor Relations Act,
21 payment received during a period of up to 2 academic years for
22 unused sick leave may be considered as earnings in accordance
23 with the applicable collective bargaining agreement, subject
24 to the 20% increase limitation of this Section. Any unused
25 sick leave considered as earnings under this Section shall not
26 be taken into account in calculating service credit under

1 Section 15-113.4.

2 (i) Intermittent periods of service shall be considered as
3 consecutive in determining the final rate of earnings.

4 (Source: P.A. 103-548, eff. 8-11-23; revised 7-18-24.)

5 Section 340. The Revenue Anticipation Act is amended by
6 changing Section 3 as follows:

7 (50 ILCS 425/3) (from Ch. 85, par. 831-3)

8 Sec. 3. Notes issued under this Act shall be due not more
9 than 12 months from the date of issue and shall be payable in
10 accordance with the resolution adopted by the governing body
11 providing for the issuance of the notes or warrants. Notes
12 issued under this Act shall bear interest at not more than the
13 maximum interest rate allowed by the Bond Authorization Act
14 ~~"An Act to authorize public corporations to issue bonds, other~~
15 ~~evidences of indebtedness and tax anticipation warrants~~
16 ~~subject to interest rate limitations set forth therein",~~
17 ~~approved May 26, 1970, as amended,~~ payable annually or
18 semi-annually or at the time of payment of principal. The
19 interest to the due date of the note may be represented by
20 appropriate coupons and be executed by the facsimile signature
21 of the appropriate treasurer. No notes shall be issued under
22 this Act after the revenue to be anticipated is delinquent. No
23 notes shall be issued or sold, unless such issuance and sale is
24 authorized by a vote of at least two-thirds ~~2/3~~ of the members

1 elected to the governing body. The notes shall be sold to the
2 highest responsible bidder after due advertisement and public
3 opening of bids. The governing body may authorize notes to be
4 issued and sold from time to time and in such amounts as the
5 appropriate treasurer deems necessary to provide funds to pay
6 obligations due or to accrue within the then fiscal year.

7 Notes issued under this Act shall be received by any
8 collector of revenues against which they are issued at par
9 plus accrued interest, and when so received, shall be
10 cancelled with the same effect as though paid pursuant to this
11 Act.

12 Such notes shall be signed by the presiding officer of the
13 governing body and countersigned by the treasurer. Such notes
14 shall be payable to bearer provided that the notes may be
15 registered as to principal in the name of the holder on the
16 books of the treasurer and evidence of such registration shall
17 be endorsed upon the back of notes so registered. After such
18 registration, no transfer shall be made except upon such books
19 and similarly noted on the note unless the last registration
20 was to bearer. Such notes may be re-registered from time to
21 time in the name of the designated holder but such
22 registration shall not affect the negotiability of the coupons
23 attached.

24 (Source: P.A. 83-1521; revised 7-24-24.)

25 Section 345. The Warrants and Jurors Certificates Act is

1 amended by changing Section 3 as follows:

2 (50 ILCS 430/3) (from Ch. 146 1/2, par. 3)

3 Sec. 3. Each warrant issued under this Act may be made
4 payable at the time fixed in the warrant and shall bear
5 interest, payable only out of the taxes against which it is
6 drawn, at a rate of interest specified in the warrant but not
7 exceeding 7% if issued prior to January 1, 1972, and at the
8 rate of not more than 8% if issued after January 1, 1972 and
9 before November 12, 1981, and at a rate not to exceed the rate
10 permitted in the Bond Authorization Act ~~"An Act to authorize~~
11 ~~public corporations to issue bonds, other evidences of~~
12 ~~indebtedness and tax anticipation warrants subject to interest~~
13 ~~rate limitations set forth therein", approved May 26, 1970, as~~
14 ~~now or hereafter amended~~ if issued on or after November 12,
15 1981, annually from the date of issuance until paid, or until
16 notice is given by publication in a newspaper or otherwise,
17 that the money for its payment is available, and that it will
18 be paid on presentation. All jurors' certificates shall be
19 issued in conformity with this Act. This Act does not apply to
20 school districts, cities, villages, or incorporated towns. For
21 the purposes of this Section, "prime commercial rate" means
22 such prime rate as from time to time is publicly announced by
23 the largest commercial banking institution located in this
24 State, as measured by total assets.

25 (Source: P.A. 82-902; revised 7-24-24.)

1 Section 350. The Medical Service Facility Act is amended
2 by changing Section 5 as follows:

3 (50 ILCS 450/5) (from Ch. 85, par. 925)

4 Sec. 5. The resolution authorizing the issuance of such
5 bonds shall specify the total amount of bonds to be issued, the
6 form and denomination of the bonds, the date they are to bear,
7 the place where they are payable, the date or dates of
8 maturity, which shall not be more than 20 years after the date
9 the bonds bear, the rate of interest, which shall not exceed
10 the rate permitted in the Bond Authorization Act, ~~"An Act to~~
11 ~~authorize public corporations to issue bonds, other evidences~~
12 ~~of indebtedness and tax anticipation warrants subject to~~
13 ~~interest rate limitations set forth therein", approved May 26,~~
14 ~~1970, as now or hereafter amended~~ and the dates on which
15 interest is payable.

16 The tax authorized to be levied and collected under this
17 Act shall be extended annually against all the taxable
18 property within the county or municipality, as the case may
19 be, at such a rate that the proceeds of the tax, when combined
20 with the rental income derived from the medical service
21 facility, will be sufficient to pay the principal of the bonds
22 at maturity and to pay the interest thereon as it falls due.

23 (Source: P.A. 82-902; revised 7-29-24.)

1 Section 355. The Illinois Police Training Act is amended
2 by changing Section 8.2 and by setting forth, renumbering, and
3 changing multiple versions of Section 10.25 as follows:

4 (50 ILCS 705/8.2)

5 Sec. 8.2. Part-time law enforcement officers.

6 (a) A person hired to serve as a part-time law enforcement
7 officer must obtain from the Board a certificate (i) attesting
8 to the officer's successful completion of the part-time police
9 training course; (ii) attesting to the officer's satisfactory
10 completion of a training program of similar content and number
11 of hours that has been found acceptable by the Board under the
12 provisions of this Act; or (iii) a training waiver attesting
13 to the Board's determination that the part-time police
14 training course is unnecessary because of the person's prior
15 law enforcement experience obtained in Illinois, in any other
16 state, or with an agency of the federal government. A person
17 hired on or after March 14, 2002 (the effective date of Public
18 Act 92-533) ~~this amendatory Act of the 92nd General Assembly~~
19 must obtain this certificate within 18 months after the
20 initial date of hire as a probationary part-time law
21 enforcement officer in the State of Illinois. The probationary
22 part-time law enforcement officer must be enrolled and
23 accepted into a Board-approved course within 6 months after
24 active employment by any department in the State. A person
25 hired on or after January 1, 1996 and before March 14, 2002

1 ~~(the effective date of Public Act 92-533) this amendatory Act~~
2 ~~of the 92nd General Assembly~~ must obtain this certificate
3 within 18 months after the date of hire. A person hired before
4 January 1, 1996 must obtain this certificate within 24 months
5 after January 1, 1996 (the effective date of Public Act
6 89-170) ~~this amendatory Act of 1995~~. Agencies seeking a
7 reciprocity waiver for training completed outside of Illinois
8 must conduct a thorough background check and provide
9 verification of the officer's prior training. After review and
10 satisfaction of all requested conditions, the officer shall be
11 awarded an equivalency certificate satisfying the requirements
12 of this Section. Within 60 days after January 1, 2024 (the
13 effective date of Public Act 103-389) ~~this amendatory Act of~~
14 ~~the 103rd General Assembly~~, the Board shall adopt uniform
15 rules providing for a waiver process for a person previously
16 employed and qualified as a law enforcement or county
17 corrections officer under federal law or the laws of any other
18 state, or who has completed a basic law enforcement officer or
19 correctional officer academy who would be qualified to be
20 employed as a law enforcement officer or correctional officer
21 by the federal government or any other state. These rules
22 shall address the process for evaluating prior training
23 credit, a description and list of the courses typically
24 required for reciprocity candidates to complete prior to
25 taking the exam, and a procedure for employers seeking a
26 pre-activation determination for a reciprocity training

1 waiver. The rules shall provide that any eligible person
2 previously trained as a law enforcement or county corrections
3 officer under federal law or the laws of any other state shall
4 successfully complete the following prior to the approval of a
5 waiver:

6 (1) a training program or set of coursework approved
7 by the Board on the laws of this State relevant to the
8 duties and training requirements of law enforcement and
9 county correctional officers;

10 (2) firearms training; and

11 (3) successful passage of the equivalency
12 certification examination.

13 The employing agency may seek an extension waiver from the
14 Board extending the period for compliance. An extension waiver
15 shall be issued only for good and justifiable reasons, and the
16 probationary part-time law enforcement officer may not
17 practice as a part-time law enforcement officer during the
18 extension waiver period. If training is required and not
19 completed within the applicable time period, as extended by
20 any waiver that may be granted, then the officer must forfeit
21 the officer's position.

22 An individual who is not certified by the Board or whose
23 certified status is inactive shall not function as a law
24 enforcement officer, be assigned the duties of a law
25 enforcement officer by an agency, or be authorized to carry
26 firearms under the authority of the employer, except that

1 sheriffs who are elected are exempt from the requirement of
2 certified status. Failure to be in accordance with this Act
3 shall cause the officer to forfeit the officer's position.

4 (a-5) A part-time probationary law enforcement officer
5 shall be allowed to complete 6 ~~six~~ months of a part-time police
6 training course and function as a law enforcement officer as
7 permitted by this subsection with a waiver from the Board,
8 provided the part-time law enforcement officer is still
9 enrolled in the training course. If the part-time probationary
10 law enforcement officer withdraws from the course for any
11 reason or does not complete the course within the applicable
12 time period, as extended by any waiver that may be granted,
13 then the officer must forfeit the officer's position. A
14 probationary law enforcement officer must function under the
15 following rules:

16 (1) A law enforcement agency may not grant a person
17 status as a law enforcement officer unless the person has
18 been granted an active law enforcement officer
19 certification by the Board.

20 (2) A part-time probationary law enforcement officer
21 shall not be used as a permanent replacement for a
22 full-time law enforcement officer.

23 (3) A part-time probationary law enforcement officer
24 shall be directly supervised at all times by a
25 Board-certified ~~Board-certified~~ law enforcement officer.
26 Direct supervision requires oversight and control with the

1 supervisor having final decision-making authority as to
2 the actions of the recruit during duty hours.

3 (b) Inactive status. A person who has an inactive law
4 enforcement officer certification has no law enforcement
5 authority.

6 (1) A law enforcement officer's certification becomes
7 inactive upon termination, resignation, retirement, or
8 separation from the employing agency for any reason. The
9 Board shall reactivate ~~re-activate~~ a certification upon
10 written application from the law enforcement officer's
11 employing agency that shows the law enforcement officer:
12 (i) has accepted a part-time law enforcement position with
13 that a law enforcement agency, (ii) is not the subject of a
14 decertification proceeding, and (iii) meets all other
15 criteria for reactivation ~~re-activation~~ required by the
16 Board.

17 The Board may refuse to reactivate ~~re-activate~~ the
18 certification of a law enforcement officer who was
19 involuntarily terminated for good cause by the officer's
20 employing agency for conduct subject to decertification
21 under this Act or resigned or retired after receiving
22 notice of a law enforcement agency's investigation.

23 (2) A law enforcement agency may place an officer who
24 is currently certified on inactive status by sending a
25 written request to the Board. A law enforcement officer
26 whose certificate has been placed on inactive status shall

1 not function as a law enforcement officer until the
2 officer has completed any requirements for reactivating
3 the certificate as required by the Board. A request for
4 inactive status in this subsection shall be in writing,
5 accompanied by verifying documentation, and shall be
6 submitted to the Board by the law enforcement officer's
7 employing agency.

8 (3) Certification that has become inactive under
9 paragraph (2) of this subsection (b)~~7~~ shall be reactivated
10 by written notice from the law enforcement officer's law
11 enforcement agency upon a showing that the law enforcement
12 officer is: (i) employed in a part-time law enforcement
13 position with the same law enforcement agency, (ii) not
14 the subject of a decertification proceeding, and (iii)
15 meets all other criteria for reactivation ~~re-activation~~
16 required by the Board. The Board may also establish
17 special training requirements to be completed as a
18 condition for reactivation ~~re-activation~~.

19 The Board shall review a notice for reactivation from
20 a law enforcement agency and provide a response within 30
21 days. The Board may extend this review. A law enforcement
22 officer shall be allowed to be employed as a part-time law
23 enforcement officer while the law enforcement officer
24 reactivation waiver is under review.

25 A law enforcement officer who is refused reactivation
26 or an employing agency of a law enforcement officer who is

1 refused reactivation under this Section may request a
2 hearing in accordance with the hearing procedures as
3 outlined in subsection (h) of Section 6.3 of this Act.

4 (4) Notwithstanding paragraph (3) of this Section, a
5 law enforcement officer whose certification has become
6 inactive under paragraph (2) may have the officer's
7 employing agency submit a request for a waiver of training
8 requirements to the Board in writing and accompanied by
9 any verifying documentation. A grant of a waiver is within
10 the discretion of the Board. Within 7 days of receiving a
11 request for a waiver under this section, the Board shall
12 notify the law enforcement officer and the chief
13 administrator of the law enforcement officer's employing
14 agency, whether the request has been granted, denied, or
15 if the Board will take additional time for information. A
16 law enforcement agency or law enforcement officer, whose
17 request for a waiver under this subsection is denied, is
18 entitled to request a review of the denial by the Board.
19 The law enforcement agency must request a review within 20
20 days after the waiver being denied. The burden of proof
21 shall be on the law enforcement agency to show why the law
22 enforcement officer is entitled to a waiver of the
23 legislatively required training and eligibility
24 requirements.

25 (c) The part-time police training course referred to in
26 this Section shall be of similar content and the same number of

1 hours as the courses for full-time officers and shall be
2 provided by Mobile Team In-Service Training Units under the
3 Intergovernmental Law Enforcement Officer's In-Service
4 Training Act or by another approved program or facility in a
5 manner prescribed by the Board.

6 (d) Within 14 days, a law enforcement officer shall report
7 to the Board: (1) any name change; (2) any change in
8 employment; or (3) the filing of any criminal indictment or
9 charges against the officer alleging that the officer
10 committed any offense as enumerated in Section 6.1 of this
11 Act.

12 (e) All law enforcement officers must report the
13 completion of the training requirements required in this Act
14 in compliance with Section 8.4 of this Act.

15 (e-1) Each employing agency shall allow and provide an
16 opportunity for a law enforcement officer to complete the
17 requirements in this Act. All mandated training shall be
18 provided for at no cost to the employees. Employees shall be
19 paid for all time spent attending mandated training.

20 (e-2) Each agency, academy, or training provider shall
21 maintain proof of a law enforcement officer's completion of
22 legislatively required training in a format designated by the
23 Board. The report of training shall be submitted to the Board
24 within 30 days following completion of the training. A copy of
25 the report shall be submitted to the law enforcement officer.
26 Upon receipt of a properly completed report of training, the

1 Board will make the appropriate entry into the training
2 records of the law enforcement officer.

3 (f) For the purposes of this Section, the Board shall
4 adopt rules defining what constitutes employment on a
5 part-time basis.

6 (g) Notwithstanding any provision of law to the contrary,
7 the changes made to this Section by Public Act 102-694 ~~this~~
8 ~~amendatory Act of the 102nd General Assembly~~ and Public Act
9 101-652 take effect July 1, 2022.

10 (Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24;
11 revised 7-29-24.)

12 (50 ILCS 705/10.25)

13 Sec. 10.25. Training; cell phone medical information. The
14 Board shall develop and require each law enforcement officer
15 to participate in training on accessing and utilizing medical
16 information stored in cell phones. The Board may use the
17 program approved under Section 2310-711 of the Department of
18 Public Health Powers and Duties Law of the Civil
19 Administrative Code of Illinois to develop the Board's
20 program.

21 (Source: P.A. 103-939, eff. 1-1-25.)

22 (50 ILCS 705/10.26)

23 Sec. 10.26 ~~10.25~~. Training; autism-informed response
24 training course.

1 (a) The Board shall develop or approve a course to assist
2 law enforcement officers in identifying and appropriately
3 responding to individuals with autism spectrum disorders.

4 (b) The Board shall conduct or approve the autism-informed
5 response training course no later than January 1, 2027 (2
6 years after the effective date of Public Act 103-949) ~~this~~
7 ~~amendatory Act of the 103rd General Assembly~~. The Board may
8 consult with the Department of Public Health or Department of
9 Human Services to develop and update the curriculum as needed.
10 The course must include instruction in autism-informed
11 responses, procedures, and techniques, which may include, but
12 are not limited to:

13 (1) recognizing the signs and symptoms of an autism
14 spectrum disorder;

15 (2) responding to the needs of a victim with an autism
16 spectrum disorder;

17 (3) interview and interrogation techniques for an
18 individual with an autism spectrum disorder; and

19 (4) techniques for differentiating an individual with
20 an autism spectrum disorder from a person who is being
21 belligerent and uncooperative.

22 The Board must, within a reasonable amount of time, update
23 this course, from time to time, to conform with national
24 trends and best practices.

25 (c) The Board is encouraged to adopt model policies to
26 assist law enforcement agencies in appropriately responding to

1 individuals with autism spectrum disorders.

2 (Source: P.A. 103-949, eff. 1-1-25; revised 12-3-24.)

3 Section 360. The Emergency Telephone System Act is amended
4 by changing Section 7.1 as follows:

5 (50 ILCS 750/7.1)

6 (Section scheduled to be repealed on December 31, 2025)

7 Sec. 7.1. Training.

8 (a) Each 9-1-1 Authority, as well as its answering points,
9 shall ensure its public safety telecommunicators and public
10 safety telecommunicator Supervisors comply with the training,
11 testing, and certification requirements established pursuant
12 to Section 2605-53 of the Illinois ~~Department of~~ State Police
13 Law.

14 (b) Each 9-1-1 Authority, as well as its answering points,
15 shall maintain a record regarding its public safety
16 telecommunicators and public safety telecommunicator
17 Supervisors compliance with this Section for at least 7 years
18 and shall make the training records available for inspection
19 by the Administrator upon request.

20 (c) Costs incurred for the development of standards,
21 training, testing, and certification shall be expenses paid by
22 the Department from the funds available to the Administrator
23 and the Statewide 9-1-1 Advisory Board under Section 30 of
24 this Act. Nothing in this subsection shall prohibit the use of

1 grants or other nonsurcharge funding sources available for
2 this purpose.

3 (Source: P.A. 102-9, eff. 6-3-21; revised 10-16-24.)

4 Section 365. The Community Emergency Services and Support
5 Act is amended by changing Section 55 as follows:

6 (50 ILCS 754/55)

7 Sec. 55. Immunity. The exemptions from civil liability in
8 Section 15.1 of the Emergency Telephone System ~~Systems~~ Act
9 apply to any act or omission in the development, design,
10 installation, operation, maintenance, performance, or
11 provision of service directed by this Act.

12 (Source: P.A. 102-580, eff. 1-1-22; revised 7-29-24.)

13 Section 370. The Small Wireless Facilities Deployment Act
14 is amended by changing Section 15 as follows:

15 (50 ILCS 840/15) (was 50 ILCS 835/15)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 15. Regulation of small wireless facilities.

18 (a) This Section applies to activities of a wireless
19 provider within or outside rights-of-way.

20 (b) Except as provided in this Section, an authority may
21 not prohibit, regulate, or charge for the collocation of small
22 wireless facilities.

1 (c) Small wireless facilities shall be classified as
2 permitted uses and subject to administrative review in
3 conformance with this Act, except as provided in paragraph (5)
4 of subsection (d) of this Section regarding height exceptions
5 or variances, but not subject to zoning review or approval if
6 they are collocated (i) in rights-of-way in any zone, or (ii)
7 outside rights-of-way in property zoned exclusively for
8 commercial or industrial use.

9 (d) An authority may require an applicant to obtain one or
10 more permits to collocate a small wireless facility. An
11 authority shall receive applications for, process, and issue
12 permits subject to the following requirements:

13 (1) An authority may not directly or indirectly
14 require an applicant to perform services unrelated to the
15 collocation for which approval is sought, such as in-kind
16 contributions to the authority, including reserving fiber,
17 conduit, or utility pole space for the authority on the
18 wireless provider's utility pole. An authority may reserve
19 space on authority utility poles for future public safety
20 uses or for the authority's electric utility uses, but a
21 reservation of space may not preclude the collocation of a
22 small wireless facility unless the authority reasonably
23 determines that the authority utility pole cannot
24 accommodate both uses.

25 (2) An applicant shall not be required to provide more
26 information to obtain a permit than the authority requires

1 of a communications service provider that is not a
2 wireless provider that requests to attach facilities to a
3 structure; however, a wireless provider may be required to
4 provide the following information when seeking a permit to
5 collocate small wireless facilities on a utility pole or
6 wireless support structure:

7 (A) site specific structural integrity and, for an
8 authority utility pole, make-ready analysis prepared
9 by a structural engineer, as that term is defined in
10 Section 4 of the Structural Engineering Practice Act
11 of 1989;

12 (B) the location where each proposed small
13 wireless facility or utility pole would be installed
14 and photographs of the location and its immediate
15 surroundings depicting the utility poles or structures
16 on which each proposed small wireless facility would
17 be mounted or location where utility poles or
18 structures would be installed;

19 (C) specifications and drawings prepared by a
20 structural engineer, as that term is defined in
21 Section 4 of the Structural Engineering Practice Act
22 of 1989, for each proposed small wireless facility
23 covered by the application as it is proposed to be
24 installed;

25 (D) the equipment type and model numbers for the
26 antennas and all other wireless equipment associated

1 with the small wireless facility;

2 (E) a proposed schedule for the installation and
3 completion of each small wireless facility covered by
4 the application, if approved;

5 (F) certification that the collocation complies
6 with paragraph (6) to the best of the applicant's
7 knowledge; and

8 (G) the wireless provider's certification from a
9 radio engineer that it operates the small wireless
10 facility within all applicable FCC standards.

11 (3) Subject to paragraph (6), an authority may not
12 require the placement of small wireless facilities on any
13 specific utility pole, or category of utility poles, or
14 require multiple antenna systems on a single utility pole;
15 however, with respect to an application for the
16 collocation of a small wireless facility associated with a
17 new utility pole, an authority may propose that the small
18 wireless facility be collocated on an existing utility
19 pole or existing wireless support structure within 200
20 feet of the proposed collocation, which the applicant
21 shall accept if it has the right to use the alternate
22 structure on reasonable terms and conditions and the
23 alternate location and structure does not impose technical
24 limits or additional material costs as determined by the
25 applicant. The authority may require the applicant to
26 provide a written certification describing the property

1 rights, technical limits, or material cost reasons the
2 alternate location does not satisfy the criteria in this
3 paragraph (3).

4 (4) Subject to paragraph (6), an authority may not
5 limit the placement of small wireless facilities mounted
6 on a utility pole or a wireless support structure by
7 minimum horizontal separation distances.

8 (5) An authority may limit the maximum height of a
9 small wireless facility to 10 feet above the utility pole
10 or wireless support structure on which the small wireless
11 facility is collocated. Subject to any applicable waiver,
12 zoning, or other process that addresses wireless provider
13 requests for an exception or variance and does not
14 prohibit granting of such exceptions or variances, the
15 authority may limit the height of new or replacement
16 utility poles or wireless support structures on which
17 small wireless facilities are collocated to the higher of:
18 (i) 10 feet in height above the tallest existing utility
19 pole, other than a utility pole supporting only wireless
20 facilities, that is in place on the date the application
21 is submitted to the authority, that is located within 300
22 feet of the new or replacement utility pole or wireless
23 support structure and that is in the same right-of-way
24 within the jurisdictional boundary of the authority,
25 provided the authority may designate which intersecting
26 right-of-way within 300 feet of the proposed utility pole

1 or wireless support structures shall control the height
2 limitation for such facility; or (ii) 45 feet above ground
3 level.

4 (6) An authority may require that:

5 (A) the wireless provider's operation of the small
6 wireless facilities does not interfere with the
7 frequencies used by a public safety agency for public
8 safety communications; a wireless provider shall
9 install small wireless facilities of the type and
10 frequency that will not cause unacceptable
11 interference with a public safety agency's
12 communications equipment; unacceptable interference
13 will be determined by and measured in accordance with
14 industry standards and the FCC's regulations
15 addressing unacceptable interference to public safety
16 spectrum or any other spectrum licensed by a public
17 safety agency; if a small wireless facility causes
18 such interference, and the wireless provider has been
19 given written notice of the interference by the public
20 safety agency, the wireless provider, at its own
21 expense, shall take all reasonable steps necessary to
22 correct and eliminate the interference, including, but
23 not limited to, powering down the small wireless
24 facility and later powering up the small wireless
25 facility for intermittent testing, if necessary; the
26 authority may terminate a permit for a small wireless

1 facility based on such interference if the wireless
2 provider is not making a good faith effort to remedy
3 the problem in a manner consistent with the abatement
4 and resolution procedures for interference with public
5 safety spectrum established by the FCC including 47
6 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672
7 through 47 CFR 90.675;

8 (B) the wireless provider comply with requirements
9 that are imposed by a contract between an authority
10 and a private property owner that concern design or
11 construction standards applicable to utility poles and
12 ground-mounted equipment located in the right-of-way;

13 (C) the wireless provider comply with applicable
14 spacing requirements in applicable codes and
15 ordinances concerning the location of ground-mounted
16 equipment located in the right-of-way if the
17 requirements include a waiver, zoning, or other
18 process that addresses wireless provider requests for
19 exception or variance and do not prohibit granting of
20 such exceptions or variances;

21 (D) the wireless provider comply with local code
22 provisions or regulations concerning undergrounding
23 requirements that prohibit the installation of new or
24 the modification of existing utility poles in a
25 right-of-way without prior approval if the
26 requirements include a waiver, zoning, or other

1 process that addresses requests to install such new
2 utility poles or modify such existing utility poles
3 and do not prohibit the replacement of utility poles;

4 (E) the wireless provider comply with generally
5 applicable standards that are consistent with this Act
6 and adopted by an authority for construction and
7 public safety in the rights-of-way, including, but not
8 limited to, reasonable and nondiscriminatory wiring
9 and cabling requirements, grounding requirements,
10 utility pole extension requirements, acoustic
11 regulations, and signage limitations; and shall comply
12 with reasonable and nondiscriminatory requirements
13 that are consistent with this Act and adopted by an
14 authority regulating the location, size, surface area
15 and height of small wireless facilities, or the
16 abandonment and removal of small wireless facilities;

17 (F) the wireless provider not collocate small
18 wireless facilities on authority utility poles that
19 are part of an electric distribution or transmission
20 system within the communication worker safety zone of
21 the pole or the electric supply zone of the pole;
22 however, the antenna and support equipment of the
23 small wireless facility may be located in the
24 communications space on the authority utility pole and
25 on the top of the pole, if not otherwise unavailable,
26 if the wireless provider complies with applicable

1 codes for work involving the top of the pole; for
2 purposes of this subparagraph (F), the terms
3 "communications space", "communication worker safety
4 zone", and "electric supply zone" have the meanings
5 given to those terms in the National Electric Safety
6 Code as published by the Institute of Electrical and
7 Electronics Engineers;

8 (G) the wireless provider comply with the
9 applicable codes and local code provisions or
10 regulations that concern public safety;

11 (H) the wireless provider comply with written
12 design standards that are generally applicable for
13 decorative utility poles, or reasonable stealth,
14 concealment, and aesthetic requirements that are
15 identified by the authority in an ordinance, written
16 policy adopted by the governing board of the
17 authority, a comprehensive plan, or other written
18 design plan that applies to other occupiers of the
19 rights-of-way, including on a historic landmark or in
20 a historic district;

21 (I) subject to subsection (c) of this Section, and
22 except for facilities excluded from evaluation for
23 effects on historic properties under 47 CFR
24 1.1307(a)(4), reasonable, technically feasible, and
25 non-discriminatory design or concealment measures in a
26 historic district or historic landmark; any such

1 design or concealment measures, including restrictions
2 on a specific category of poles, may not have the
3 effect of prohibiting any provider's technology; such
4 design and concealment measures shall not be
5 considered a part of the small wireless facility for
6 purposes of the size restrictions of a small wireless
7 facility; this paragraph may not be construed to limit
8 an authority's enforcement of historic preservation in
9 conformance with the requirements adopted pursuant to
10 the Illinois State Agency Historic Resources
11 Preservation Act or the National Historic Preservation
12 Act of 1966, 54 U.S.C. Section 300101 et seq., and the
13 regulations adopted to implement those laws; and

14 (J) When a wireless provider replaces or adds a
15 new radio transceiver or antennas to an existing small
16 wireless facility, certification by the wireless
17 provider from a radio engineer that the continuing
18 operation of the small wireless facility complies with
19 all applicable FCC standards.

20 (7) Within 30 days after receiving an application, an
21 authority must determine whether the application is
22 complete and notify the applicant. If an application is
23 incomplete, an authority must specifically identify the
24 missing information. An application shall be deemed
25 complete if the authority fails to provide notification to
26 the applicant within 30 days after when all documents,

1 information, and fees specifically enumerated in the
2 authority's permit application form are submitted by the
3 applicant to the authority. Processing deadlines are
4 tolled from the time the authority sends the notice of
5 incompleteness to the time the applicant provides the
6 missing information.

7 (8) An authority shall process applications as
8 follows:

9 (A) an application to collocate a small wireless
10 facility on an existing utility pole or wireless
11 support structure shall be processed on a
12 nondiscriminatory basis and deemed approved if the
13 authority fails to approve or deny the application
14 within 90 days; however, if an applicant intends to
15 proceed with the permitted activity on a deemed
16 approved basis, the applicant must notify the
17 authority in writing of its intention to invoke the
18 deemed approved remedy no sooner than 75 days after
19 the submission of a completed application; the permit
20 shall be deemed approved on the latter of the 90th day
21 after submission of the complete application or the
22 10th day after the receipt of the deemed approved
23 notice by the authority; the receipt of the deemed
24 approved notice shall not preclude the authority's
25 denial of the permit request within the time limits as
26 provided under this Act; and

1 (B) an application to collocate a small wireless
2 facility that includes the installation of a new
3 utility pole shall be processed on a nondiscriminatory
4 basis and deemed approved if the authority fails to
5 approve or deny the application within 120 days;
6 however, if an applicant intends to proceed with the
7 permitted activity on a deemed approved basis, the
8 applicant must notify the authority in writing of its
9 intention to invoke the deemed approved remedy no
10 sooner than 105 days after the submission of a
11 completed application; the permit shall be deemed
12 approved on the latter of the 120th day after
13 submission of the complete application or the 10th day
14 after the receipt of the deemed approved notice by the
15 authority; the receipt of the deemed approved notice
16 shall not preclude the authority's denial of the
17 permit request within the time limits as provided
18 under this Act.

19 (9) An authority shall approve an application unless
20 the application does not meet the requirements of this
21 Act. If an authority determines that applicable codes,
22 local code provisions or regulations that concern public
23 safety, or the requirements of paragraph (6) require that
24 the utility pole or wireless support structure be replaced
25 before the requested collocation, approval may be
26 conditioned on the replacement of the utility pole or

1 wireless support structure at the cost of the provider.
2 The authority must document the basis for a denial,
3 including the specific code provisions or application
4 conditions on which the denial was based, and send the
5 documentation to the applicant on or before the day the
6 authority denies an application. The applicant may cure
7 the deficiencies identified by the authority and resubmit
8 the revised application once within 30 days after notice
9 of denial is sent to the applicant without paying an
10 additional application fee. The authority shall approve or
11 deny the revised application within 30 days after the
12 applicant resubmits the application or it is deemed
13 approved; however, the applicant must notify the authority
14 in writing of its intention to proceed with the permitted
15 activity on a deemed approved basis, which may be
16 submitted with the resubmitted application. Any subsequent
17 review shall be limited to the deficiencies cited in the
18 denial. However, this revised application cure does not
19 apply if the cure requires the review of a new location,
20 new or different structure to be collocated upon, new
21 antennas, or other wireless equipment associated with the
22 small wireless facility.

23 (10) The time period for applications may be further
24 tolled by:

25 (A) the express agreement in writing by both the
26 applicant and the authority; or

1 (B) a local, State, or federal disaster
2 declaration or similar emergency that causes the
3 delay.

4 (11) An applicant seeking to collocate small wireless
5 facilities within the jurisdiction of a single authority
6 shall be allowed, at the applicant's discretion, to file a
7 consolidated application and receive a single permit for
8 the collocation of up to 25 small wireless facilities if
9 the collocations each involve substantially the same type
10 of small wireless facility and substantially the same type
11 of structure. If an application includes multiple small
12 wireless facilities, the authority may remove small
13 wireless facility collocations from the application and
14 treat separately small wireless facility collocations for
15 which incomplete information has been provided or that do
16 not qualify for consolidated treatment or that are denied.
17 The authority may issue separate permits for each
18 collocation that is approved in a consolidated
19 application.

20 (12) Collocation for which a permit is granted shall
21 be completed within 180 days after issuance of the permit,
22 unless the authority and the wireless provider agree to
23 extend this period or a delay is caused by make-ready work
24 for an authority utility pole or by the lack of commercial
25 power or backhaul availability at the site, provided the
26 wireless provider has made a timely request within 60 days

1 after the issuance of the permit for commercial power or
2 backhaul services, and the additional time to complete
3 installation does not exceed 360 days after issuance of
4 the permit. Otherwise, the permit shall be void unless the
5 authority grants an extension in writing to the applicant.

6 (13) The duration of a permit shall be for a period of
7 not less than 5 years, and the permit shall be renewed for
8 equivalent durations unless the authority makes a finding
9 that the small wireless facilities or the new or modified
10 utility pole do not comply with the applicable codes or
11 local code provisions or regulations in paragraphs (6) and
12 (9). If this Act is repealed as provided in Section 90,
13 renewals of permits shall be subject to the applicable
14 authority code provisions or regulations in effect at the
15 time of renewal.

16 (14) An authority may not prohibit, either expressly
17 or de facto, the (i) filing, receiving, or processing
18 applications, or (ii) issuing of permits or other
19 approvals, if any, for the collocation of small wireless
20 facilities unless there has been a local, State, or
21 federal disaster declaration or similar emergency that
22 causes the delay.

23 (15) Applicants shall submit applications, supporting
24 information, and notices by personal delivery or as
25 otherwise required by the authority. An authority may
26 require that permits, supporting information, and notices

1 be submitted by personal delivery at the authority's
2 designated place of business, by regular mail postmarked
3 on the date due, or by any other commonly used means,
4 including electronic mail, as required by the authority.

5 (e) Application fees are subject to the following
6 requirements:

7 (1) An authority may charge an application fee of up
8 to \$650 for an application to collocate a single small
9 wireless facility on an existing utility pole or wireless
10 support structure and up to \$350 for each small wireless
11 facility addressed in an application to collocate more
12 than one small wireless facility on existing utility poles
13 or wireless support structures.

14 (2) An authority may charge an application fee of
15 \$1,000 for each small wireless facility addressed in an
16 application that includes the installation of a new
17 utility pole for such collocation.

18 (3) Notwithstanding any contrary provision of State
19 law or local ordinance, applications pursuant to this
20 Section must be accompanied by the required application
21 fee.

22 (4) Within 2 months after the effective date of this
23 Act, an authority shall make available application fees
24 consistent with this subsection, through ordinance, or in
25 a written schedule of permit fees adopted by the
26 authority.

1 (5) Notwithstanding any provision of this Act to the
2 contrary, an authority may charge recurring rates and
3 application fees up to the amount permitted by the Federal
4 Communications ~~Communication~~ Commission in its Declaratory
5 Ruling and Third Report and Order adopted on September 26,
6 2018 in WT Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd
7 9088, 9129, or any subsequent ruling, order, or guidance
8 issued by the Federal Communication Commission regarding
9 fees and recurring rates.

10 (f) An authority shall not require an application,
11 approval, or permit, or require any fees or other charges,
12 from a communications service provider authorized to occupy
13 the rights-of-way, for: (i) routine maintenance; (ii) the
14 replacement of wireless facilities with wireless facilities
15 that are substantially similar, the same size, or smaller if
16 the wireless provider notifies the authority at least 10 days
17 prior to the planned replacement and includes equipment
18 specifications for the replacement of equipment consistent
19 with the requirements of subparagraph (D) of paragraph (2) of
20 subsection (d) of this Section; or (iii) the installation,
21 placement, maintenance, operation, or replacement of micro
22 wireless facilities that are suspended on cables that are
23 strung between existing utility poles in compliance with
24 applicable safety codes. However, an authority may require a
25 permit to work within rights-of-way for activities that affect
26 traffic patterns or require lane closures.

1 (g) Nothing in this Act authorizes a person to collocate
2 small wireless facilities on: (1) property owned by a private
3 party or property owned or controlled by a unit of local
4 government that is not located within rights-of-way, subject
5 to subsection (j) of this Section, or a privately owned
6 utility pole or wireless support structure without the consent
7 of the property owner; (2) property owned, leased, or
8 controlled by a park district, forest preserve district, or
9 conservation district for public park, recreation, or
10 conservation purposes without the consent of the affected
11 district, excluding the placement of facilities on
12 rights-of-way located in an affected district that are under
13 the jurisdiction and control of a different unit of local
14 government as provided by the Illinois Highway Code; or (3)
15 property owned by a rail carrier registered under Section
16 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or
17 any other public commuter rail service, or an electric utility
18 as defined in Section 16-102 of the Public Utilities Act,
19 without the consent of the rail carrier, public commuter rail
20 service, or electric utility. The provisions of this Act do
21 not apply to an electric or gas public utility or such
22 utility's wireless facilities if the facilities are being
23 used, developed, and maintained consistent with the provisions
24 of subsection (i) of Section 16-108.5 of the Public Utilities
25 Act.

26 For the purposes of this subsection, "public utility" has

1 the meaning given to that term in Section 3-105 of the Public
2 Utilities Act. Nothing in this Act shall be construed to
3 relieve any person from any requirement (1) to obtain a
4 franchise or a State-issued authorization to offer cable
5 service or video service or (2) to obtain any required
6 permission to install, place, maintain, or operate
7 communications facilities, other than small wireless
8 facilities subject to this Act.

9 (h) Agreements between authorities and wireless providers
10 that relate to the collocation of small wireless facilities in
11 the right-of-way, including the collocation of small wireless
12 facilities on authority utility poles, that are in effect on
13 the effective date of this Act remain in effect for all small
14 wireless facilities collocated on the authority's utility
15 poles pursuant to applications submitted to the authority
16 before the effective date of this Act, subject to applicable
17 termination provisions. Such agreements entered into after the
18 effective date of the Act shall comply with the Act.

19 (i) An authority shall allow the collocation of small
20 wireless facilities on authority utility poles subject to the
21 following:

22 (1) An authority may not enter into an exclusive
23 arrangement with any person for the right to attach small
24 wireless facilities to authority utility poles.

25 (2) The rates and fees for collocations on authority
26 utility poles shall be nondiscriminatory regardless of the

1 services provided by the collocating person.

2 (3) An authority may charge an annual recurring rate
3 to collocate a small wireless facility on an authority
4 utility pole located in a right-of-way that equals (i)
5 \$270 per year or (ii) the actual, direct, and reasonable
6 costs related to the wireless provider's use of space on
7 the authority utility pole. Rates for collocation on
8 authority utility poles located outside of a right-of-way
9 are not subject to these limitations. In any controversy
10 concerning the appropriateness of a cost-based rate for an
11 authority utility pole located within a right-of-way, the
12 authority shall have the burden of proving that the rate
13 does not exceed the actual, direct, and reasonable costs
14 for the applicant's proposed use of the authority utility
15 pole. Nothing in this paragraph (3) prohibits a wireless
16 provider and an authority from mutually agreeing to an
17 annual recurring rate of less than \$270 to collocate a
18 small wireless facility on an authority utility pole.

19 (4) Authorities or other persons owning or controlling
20 authority utility poles within the right-of-way shall
21 offer rates, fees, and other terms that comply with
22 subparagraphs (A) through (E) of this paragraph (4).
23 Within 2 months after the effective date of this Act, an
24 authority or a person owning or controlling authority
25 utility poles shall make available, through ordinance or
26 an authority utility pole attachment agreement, license or

1 other agreement that makes available to wireless
2 providers, the rates, fees, and terms for the collocation
3 of small wireless facilities on authority utility poles
4 that comply with this Act and with subparagraphs (A)
5 through (E) of this paragraph (4). In the absence of such
6 an ordinance or agreement that complies with this Act, and
7 until such a compliant ordinance or agreement is adopted,
8 wireless providers may collocate small wireless facilities
9 and install utility poles under the requirements of this
10 Act.

11 (A) The rates, fees, and terms must be
12 nondiscriminatory, competitively neutral, and
13 commercially reasonable, and may address, among other
14 requirements, the requirements in subparagraphs (A)
15 through (I) of paragraph (6) of subsection (d) of this
16 Section; subsections (e), (i), and (k) of this
17 Section; Section 30; and Section 35, and must comply
18 with this Act.

19 (B) For authority utility poles that support
20 aerial facilities used to provide communications
21 services or electric service, wireless providers shall
22 comply with the process for make-ready work under 47
23 U.S.C. 224 and its implementing regulations, and the
24 authority shall follow a substantially similar process
25 for make-ready work except to the extent that the
26 timing requirements are otherwise addressed in this

1 Act. The good-faith estimate of the person owning or
2 controlling the authority utility pole for any
3 make-ready work necessary to enable the pole to
4 support the requested collocation shall include
5 authority utility pole replacement, if necessary.

6 (C) For authority utility poles that do not
7 support aerial facilities used to provide
8 communications services or electric service, the
9 authority shall provide a good-faith estimate for any
10 make-ready work necessary to enable the authority
11 utility pole to support the requested collocation,
12 including pole replacement, if necessary, within 90
13 days after receipt of a complete application.
14 Make-ready work, including any authority utility pole
15 replacement, shall be completed within 60 days of
16 written acceptance of the good-faith estimate by the
17 applicant at the wireless provider's sole cost and
18 expense. Alternatively, if the authority determines
19 that applicable codes or public safety regulations
20 require the authority utility pole to be replaced to
21 support the requested collocation, the authority may
22 require the wireless provider to replace the authority
23 utility pole at the wireless provider's sole cost and
24 expense.

25 (D) The authority shall not require more
26 make-ready work than required to meet applicable codes

1 or industry standards. Make-ready work may include
2 work needed to accommodate additional public safety
3 communications needs that are identified in a
4 documented and approved plan for the deployment of
5 public safety equipment as specified in paragraph (1)
6 of subsection (d) of this Section and included in an
7 existing or preliminary authority or public service
8 agency budget for attachment within one year of the
9 application. Fees for make-ready work, including any
10 authority utility pole replacement, shall not exceed
11 actual costs or the amount charged to communications
12 service providers for similar work and shall not
13 include any consultants' fees or expenses for
14 authority utility poles that do not support aerial
15 facilities used to provide communications services or
16 electric service. Make-ready work, including any pole
17 replacement, shall be completed within 60 days of
18 written acceptance of the good-faith estimate by the
19 wireless provider, at its sole cost and expense.

20 (E) A wireless provider that has an existing
21 agreement with the authority on the effective date of
22 the Act may accept the rates, fees, and terms that an
23 authority makes available under this Act for the
24 collocation of small wireless facilities or the
25 installation of new utility poles for the collocation
26 of small wireless facilities that are the subject of

1 an application submitted 2 or more years after the
2 effective date of the Act as provided in this
3 paragraph (4) by notifying the authority that it opts
4 to accept such rates, fees, and terms. The existing
5 agreement remains in effect, subject to applicable
6 termination provisions, for the small wireless
7 facilities the wireless provider has collocated on the
8 authority's utility poles pursuant to applications
9 submitted to the authority before the wireless
10 provider provides such notice and exercises its option
11 under this subparagraph.

12 (5) Notwithstanding any provision of this Act to the
13 contrary, an authority may charge recurring rates and
14 application fees up to the amount permitted by the Federal
15 Communications ~~Communication~~ Commission in its Declaratory
16 Ruling and Third Report and Order adopted on September 26,
17 2018 in WT Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd
18 9088, 9129, or any subsequent ruling, order, or guidance
19 issued by the Federal Communication Commission regarding
20 fees and recurring rates.

21 (j) An authority shall authorize the collocation of small
22 wireless facilities on utility poles owned or controlled by
23 the authority that are not located within rights-of-way to the
24 same extent the authority currently permits access to utility
25 poles for other commercial projects or uses. The collocations
26 shall be subject to reasonable and nondiscriminatory rates,

1 fees, and terms as provided in an agreement between the
2 authority and the wireless provider.

3 (k) Nothing in this Section precludes an authority from
4 adopting reasonable rules with respect to the removal of
5 abandoned small wireless facilities. A small wireless facility
6 that is not operated for a continuous period of 12 months shall
7 be considered abandoned and the owner of the facility must
8 remove the small wireless facility within 90 days after
9 receipt of written notice from the authority notifying the
10 owner of the abandonment. The notice shall be sent by
11 certified or registered mail, return receipt requested, by the
12 authority to the owner at the last known address of the owner.
13 If the small wireless facility is not removed within 90 days of
14 such notice, the authority may remove or cause the removal of
15 the facility pursuant to the terms of its pole attachment
16 agreement for authority utility poles or through whatever
17 actions are provided for abatement of nuisances or by other
18 law for removal and cost recovery. An authority may require a
19 wireless provider to provide written notice to the authority
20 if it sells or transfers small wireless facilities subject to
21 this Act within the jurisdictional boundary of the authority.
22 Such notice shall include the name and contact information of
23 the new wireless provider.

24 (l) Nothing in this Section requires an authority to
25 install or maintain any specific utility pole or to continue
26 to install or maintain utility poles in any location if the

1 authority makes a non-discriminatory decision to eliminate
2 above-ground utility poles of a particular type generally,
3 such as electric utility poles, in all or a significant
4 portion of its geographic jurisdiction. For authority utility
5 poles with collocated small wireless facilities in place when
6 an authority makes a decision to eliminate above-ground
7 utility poles of a particular type generally, the authority
8 shall either (i) continue to maintain the authority utility
9 pole or install and maintain a reasonable alternative utility
10 pole or wireless support structure for the collocation of the
11 small wireless facility, or (ii) offer to sell the utility
12 pole to the wireless provider at a reasonable cost or allow the
13 wireless provider to install its own utility pole so it can
14 maintain service from that location.

15 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21;
16 103-601, eff. 7-1-24; revised 10-21-24.)

17 Section 375. The Counties Code is amended by changing
18 Sections 3-15003.6, 4-11001.5, 5-1009, 5-1069, 5-1069.3,
19 5-12020, 5-15017, 5-31012, 5-31016, 6-4002, and 6-27004 and by
20 setting forth, renumbering, and changing multiple versions of
21 Sections 5-1189 and 5-12022 as follows:

22 (55 ILCS 5/3-15003.6)

23 Sec. 3-15003.6. Pregnant committed persons.

24 (a) Definitions. For the purpose of this Section and the

1 Sections preceding Section 3-15004:

2 (1) "Restraints" means any physical restraint or
3 mechanical device used to control the movement of a body
4 or limbs, or both, including, but not limited to, flex
5 cuffs, soft restraints, hard metal handcuffs, a black box,
6 Chubb cuffs, leg irons, belly chains, a security (tether)
7 chain, or a convex shield, or shackles of any kind.

8 (2) "Labor" means the period of time before a birth
9 and shall include any medical condition in which an
10 individual is sent or brought to the hospital for the
11 purpose of delivering a baby. These situations include:
12 induction of labor, prodromal labor, pre-term labor,
13 prelabor rupture of membranes, the 3 stages of active
14 labor, uterine hemorrhage during the third trimester of
15 pregnancy, and caesarian delivery including pre-operative
16 preparation.

17 (3) "Postpartum" means the 6-week period following
18 birth unless determined to be a longer period by a
19 physician, advanced practice registered nurse, physician
20 assistant, or other qualified medical professional.

21 (4) "Correctional institution" means any entity under
22 the authority of a county law enforcement division that
23 has the power to detain or restrain, or both, a person
24 under the laws of the State.

25 (5) "Corrections official" means the official that is
26 responsible for oversight of a correctional institution,

1 or his or her designee.

2 (6) "Committed person" means any person incarcerated
3 or detained in any facility who is accused of, convicted
4 of, sentenced for, or adjudicated delinquent for,
5 violations of criminal law or the terms and conditions of
6 parole, probation, pretrial release, or diversionary
7 program, and any person detained under the immigration
8 laws of the United States at any correctional facility.

9 (7) "Extraordinary circumstance" means an
10 extraordinary medical or security circumstance, including
11 a substantial flight risk, that dictates restraints be
12 used to ensure the safety and security of the committed
13 person, the staff of the correctional institution or
14 medical facility, other committed persons, or the public.

15 (8) "Participant"~~1~~ means an individual placed into an
16 electronic monitoring program, as defined by Section
17 5-8A-2 of the Unified Code of Corrections.

18 (b) A county department of corrections shall not apply
19 security restraints to a committed person that has been
20 determined by a qualified medical professional to be pregnant
21 or otherwise is known by the county department of corrections
22 to be pregnant or in postpartum recovery unless the
23 corrections official makes an individualized determination
24 that the committed person presents a substantial flight risk
25 or some other extraordinary circumstance that dictates
26 security restraints be used to ensure the safety and security

1 of the committed person, committed person's child or unborn
2 child, the staff of the county department of corrections or
3 medical facility, other committed persons, or the public. The
4 protections set out in clauses (b)(3) and (b)(4) of this
5 Section shall apply to security restraints used pursuant to
6 this subsection. The corrections official shall immediately
7 remove all restraints upon the written or oral request of
8 medical personnel. The corrections official shall immediately
9 remove all approved electronic monitoring devices, as that
10 term is defined in Section 5-8A-2 of the Unified Code of
11 Corrections, of a pregnant participant during labor and
12 delivery or earlier upon the written or oral request of
13 medical personnel. Oral requests made by medical personnel
14 shall be verified in writing as promptly as reasonably
15 possible.

16 (1) Qualified authorized health staff shall have the
17 authority to order therapeutic restraints for a pregnant
18 or postpartum committed person who is a danger to the
19 committed person, the committed person's child, unborn
20 child, or other persons due to a psychiatric or medical
21 disorder. Therapeutic restraints may only be initiated,
22 monitored, and discontinued by qualified and authorized
23 health staff and used to safely limit a committed person's
24 mobility for psychiatric or medical reasons. No order for
25 therapeutic restraints shall be written unless medical or
26 mental health personnel, after personally observing and

1 examining the committed person, are clinically satisfied
2 that the use of therapeutic restraints is justified and
3 permitted in accordance with hospital policies and
4 applicable State law. Metal handcuffs or shackles are not
5 considered therapeutic restraints.

6 (2) Whenever therapeutic restraints are used by
7 medical personnel, Section 2-108 of the Mental Health and
8 Developmental Disabilities Code shall apply.

9 (3) Leg irons, shackles, or waist shackles shall not
10 be used on any pregnant or postpartum committed person
11 regardless of security classification. Except for
12 therapeutic restraints under clause (b)(2), no restraints
13 of any kind may be applied to committed persons during
14 labor.

15 (4) When a pregnant or postpartum committed person
16 must be restrained, restraints used shall be the least
17 restrictive restraints possible to ensure the safety and
18 security of the committed person, the committed person's
19 child, unborn child, the staff of the county department of
20 corrections or medical facility, other committed persons,
21 or the public, and in no case shall include leg irons,
22 shackles, or waist shackles.

23 (5) Upon the pregnant committed person's entry into a
24 hospital room, and completion of initial room inspection,
25 a corrections official shall be posted immediately outside
26 the hospital room, unless requested to be in the room by

1 medical personnel attending to the committed person's
2 medical needs.

3 (6) The county department of corrections shall provide
4 adequate corrections personnel to monitor the pregnant
5 committed person during the committed person's transport
6 to and from the hospital and during the committed person's
7 stay at the hospital.

8 (7) Where the county department of corrections
9 requires committed person safety assessments, a
10 corrections official may enter the hospital room to
11 conduct periodic committed person safety assessments,
12 except during a medical examination or the delivery
13 process.

14 (8) (Blank).

15 (c) Enforcement. No later than 30 days before the end of
16 each fiscal year, the county sheriff or corrections official
17 of the correctional institution where a pregnant or postpartum
18 committed person has been restrained pursuant to this Section
19 during that previous fiscal year, shall submit a written
20 report to the Jail and Detention Standards Unit of the
21 Department of Corrections, in a form and manner prescribed by
22 the Department, that includes an account of every instance of
23 restraint pursuant to this Section. The written report shall
24 state the date, time, location, and rationale for each
25 instance in which restraints are used. The written report
26 shall not contain any individually identifying information of

1 any committed person. Such reports shall be made available for
2 public inspection.

3 (d) Data reporting. No later than 30 days before the end of
4 each fiscal year, each county sheriff shall submit a written
5 report to the Jail and Detention Standards Unit of the
6 Department of Corrections, in a form and manner prescribed by
7 the Department, that includes the number of pregnant committed
8 persons in custody each year and the number of people who
9 deliver or miscarry while in custody. The written reports
10 shall not contain any individually identifying information of
11 a committed person. The written reports shall be made
12 available for public inspection.

13 (Source: P.A. 103-745, eff. 1-1-25; revised 11-22-24.)

14 (55 ILCS 5/4-11001.5)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 4-11001.5. Lake County Children's Advocacy Center
17 Pilot Program.

18 (a) The Lake County Children's Advocacy Center Pilot
19 Program is established. Under the Pilot Program, any grand
20 juror or petit juror in Lake County may elect to have his or
21 her juror fees earned under Section 4-11001 of this Code to be
22 donated to the Lake County Children's Advocacy Center, a
23 division of the Lake County State's Attorney's office.

24 (b) On or before January 1, 2017, the Lake County board
25 shall adopt, by ordinance or resolution, rules and policies

1 governing and effectuating the ability of jurors to donate
2 their juror fees to the Lake County Children's Advocacy Center
3 beginning January 1, 2017 and ending December 31, 2018. At a
4 minimum, the rules and policies must provide:

5 (1) for a form that a juror may fill out to elect to
6 donate his or her juror fees. The form must contain a
7 statement, in at least 14-point bold type, that donation
8 of juror fees is optional;

9 (2) that all monies donated by jurors shall be
10 transferred by the county to the Lake County Children's
11 Advocacy Center at the same time a juror is paid under
12 Section 4-11001 of this Code who did not elect to donate
13 his or her juror fees; and

14 (3) that all juror fees donated under this Section
15 shall be used exclusively for the operation of Lake County
16 Children's Advocacy Center.

17 The Lake County board shall adopt an ordinance or
18 resolution reestablishing the rules and policies previously
19 adopted under this subsection allowing a juror to donate his
20 or her juror fees to the Lake County Children's Advocacy
21 Center through December 31, 2021.

22 (c) The following information shall be reported to the
23 General Assembly and the Governor by the Lake County board
24 after each calendar year of the Pilot Program on or before
25 March 31, 2018, March 31, 2019, July 1, 2020, and July 1, 2021:

26 (1) the number of grand and petit jurors who earned

1 fees under Section 4-11001 of this Code during the
2 previous calendar year;

3 (2) the number of grand and petit jurors who donated
4 fees under this Section during the previous calendar year;

5 (3) the amount of donated fees under this Section
6 during the previous calendar year;

7 (4) how the monies donated in the previous calendar
8 year were used by the Lake County Children's Advocacy
9 Center; and

10 (5) how much cost ~~there~~ was incurred by Lake County
11 and the Lake County State's Attorney's office in the
12 previous calendar year in implementing the Pilot Program.

13 (d) This Section is repealed on January 1, 2026.

14 (Source: P.A. 102-671, eff. 11-30-21; 103-563, eff. 11-17-23;
15 revised 7-29-24.)

16 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

17 Sec. 5-1009. Limitation on home rule powers. Except as
18 provided in Sections 5-1006, 5-1006.5, 5-1006.8, 5-1006.9, 1
19 5-1007, and 5-1008, on and after September 1, 1990, no home
20 rule county has the authority to impose, pursuant to its home
21 rule authority, a retailers' occupation tax, service
22 occupation tax, use tax, sales tax, 1 or other tax on the use,
23 sale, 1 or purchase of tangible personal property based on the
24 gross receipts from such sales or the selling or purchase
25 price of said tangible personal property. Notwithstanding the

1 foregoing, this Section does not preempt any home rule imposed
2 tax such as the following: (1) a tax on alcoholic beverages,
3 whether based on gross receipts, volume sold, or any other
4 measurement; (2) a tax based on the number of units of
5 cigarettes or tobacco products; (3) a tax, however measured,
6 based on the use of a hotel or motel room or similar facility;
7 (4) a tax, however measured, on the sale or transfer of real
8 property; (5) a tax, however measured, on lease receipts; (6)
9 a tax on food prepared for immediate consumption and on
10 alcoholic beverages sold by a business which provides for on
11 premise consumption of said food or alcoholic beverages; or
12 (7) other taxes not based on the selling or purchase price or
13 gross receipts from the use, sale, or purchase of tangible
14 personal property. This Section does not preempt a home rule
15 county from imposing a tax, however measured, on the use, for
16 consideration, of a parking lot, garage, or other parking
17 facility.

18 On and after December 1, 2019, no home rule county has the
19 authority to impose, pursuant to its home rule authority, a
20 tax, however measured, on sales of aviation fuel, as defined
21 in Section 3 of the Retailers' Occupation Tax Act, unless the
22 tax revenue is expended for airport-related purposes. For
23 purposes of this Section, "airport-related purposes" has the
24 meaning ascribed in Section 6z-20.2 of the State Finance Act.
25 Aviation fuel shall be excluded from tax only for so long as
26 the revenue use requirements of 49 U.S.C. 47017(b) and 49

1 U.S.C. 47133 are binding on the county.

2 This Section is a limitation, pursuant to subsection (g)
3 of Section 6 of Article VII of the Illinois Constitution, on
4 the power of home rule units to tax. The changes made to this
5 Section by Public Act 101-10 are a denial and limitation of
6 home rule powers and functions under subsection (g) of Section
7 6 of Article VII of the Illinois Constitution.

8 (Source: P.A. 102-558, eff. 8-20-21; 103-781, eff. 8-5-24;
9 revised 10-21-24.)

10 (55 ILCS 5/5-1069)

11 (Text of Section before amendment by P.A. 103-808)

12 Sec. 5-1069. Group life, health, accident, hospital, and
13 medical insurance.

14 (a) The county board of any county may arrange to provide,
15 for the benefit of employees of the county, group life,
16 health, accident, hospital, and medical insurance, or any one
17 or any combination of those types of insurance, or the county
18 board may self-insure, for the benefit of its employees, all
19 or a portion of the employees' group life, health, accident,
20 hospital, and medical insurance, or any one or any combination
21 of those types of insurance, including a combination of
22 self-insurance and other types of insurance authorized by this
23 Section, provided that the county board complies with all
24 other requirements of this Section. The insurance may include
25 provision for employees who rely on treatment by prayer or

1 spiritual means alone for healing in accordance with the
2 tenets and practice of a well recognized religious
3 denomination. The county board may provide for payment by the
4 county of a portion or all of the premium or charge for the
5 insurance with the employee paying the balance of the premium
6 or charge, if any. If the county board undertakes a plan under
7 which the county pays only a portion of the premium or charge,
8 the county board shall provide for withholding and deducting
9 from the compensation of those employees who consent to join
10 the plan the balance of the premium or charge for the
11 insurance.

12 (b) If the county board does not provide for
13 self-insurance or for a plan under which the county pays a
14 portion or all of the premium or charge for a group insurance
15 plan, the county board may provide for withholding and
16 deducting from the compensation of those employees who consent
17 thereto the total premium or charge for any group life,
18 health, accident, hospital, and medical insurance.

19 (c) The county board may exercise the powers granted in
20 this Section only if it provides for self-insurance or, where
21 it makes arrangements to provide group insurance through an
22 insurance carrier, if the kinds of group insurance are
23 obtained from an insurance company authorized to do business
24 in the State of Illinois. The county board may enact an
25 ordinance prescribing the method of operation of the insurance
26 program.

1 (d) If a county, including a home rule county, is a
2 self-insurer for purposes of providing health insurance
3 coverage for its employees, the insurance coverage shall
4 include screening by low-dose mammography for all women 35
5 years of age or older for the presence of occult breast cancer
6 unless the county elects to provide mammograms itself under
7 Section 5-1069.1. The coverage shall be as follows:

8 (1) A baseline mammogram for women 35 to 39 years of
9 age.

10 (2) An annual mammogram for women 40 years of age or
11 older.

12 (3) A mammogram at the age and intervals considered
13 medically necessary by the woman's health care provider
14 for women under 40 years of age and having a family history
15 of breast cancer, prior personal history of breast cancer,
16 positive genetic testing, or other risk factors.

17 (4) For a group policy of accident and health
18 insurance that is amended, delivered, issued, or renewed
19 on or after January 1, 2020 (the effective date of Public
20 Act 101-580) ~~this amendatory Act of the 101st General~~
21 ~~Assembly,~~ a comprehensive ultrasound screening of an
22 entire breast or breasts if a mammogram demonstrates
23 heterogeneous or dense breast tissue or when medically
24 necessary as determined by a physician licensed to
25 practice medicine in all of its branches, advanced
26 practice registered nurse, or physician assistant.

1 (5) For a group policy of accident and health
2 insurance that is amended, delivered, issued, or renewed
3 on or after January 1, 2020 (the effective date of Public
4 Act 101-580) ~~this amendatory Act of the 101st General~~
5 ~~Assembly~~, a diagnostic mammogram when medically necessary,
6 as determined by a physician licensed to practice medicine
7 in all its branches, advanced practice registered nurse,
8 or physician assistant.

9 A policy subject to this subsection shall not impose a
10 deductible, coinsurance, copayment, or any other cost-sharing
11 requirement on the coverage provided; except that this
12 sentence does not apply to coverage of diagnostic mammograms
13 to the extent such coverage would disqualify a high-deductible
14 health plan from eligibility for a health savings account
15 pursuant to Section 223 of the Internal Revenue Code (26
16 U.S.C. 223).

17 For purposes of this subsection:

18 "Diagnostic mammogram" means a mammogram obtained using
19 diagnostic mammography.

20 "Diagnostic mammography" means a method of screening that
21 is designed to evaluate an abnormality in a breast, including
22 an abnormality seen or suspected on a screening mammogram or a
23 subjective or objective abnormality otherwise detected in the
24 breast.

25 "Low-dose mammography" means the x-ray examination of the
26 breast using equipment dedicated specifically for mammography,

1 including the x-ray tube, filter, compression device, and
2 image receptor, with an average radiation exposure delivery of
3 less than one rad per breast for 2 views of an average size
4 breast. The term also includes digital mammography.

5 (d-5) Coverage as described by subsection (d) shall be
6 provided at no cost to the insured and shall not be applied to
7 an annual or lifetime maximum benefit.

8 (d-10) When health care services are available through
9 contracted providers and a person does not comply with plan
10 provisions specific to the use of contracted providers, the
11 requirements of subsection (d-5) are not applicable. When a
12 person does not comply with plan provisions specific to the
13 use of contracted providers, plan provisions specific to the
14 use of non-contracted providers must be applied without
15 distinction for coverage required by this Section and shall be
16 at least as favorable as for other radiological examinations
17 covered by the policy or contract.

18 (d-15) If a county, including a home rule county, is a
19 self-insurer for purposes of providing health insurance
20 coverage for its employees, the insurance coverage shall
21 include mastectomy coverage, which includes coverage for
22 prosthetic devices or reconstructive surgery incident to the
23 mastectomy. Coverage for breast reconstruction in connection
24 with a mastectomy shall include:

- 25 (1) reconstruction of the breast upon which the
26 mastectomy has been performed;

1 (2) surgery and reconstruction of the other breast to
2 produce a symmetrical appearance; and

3 (3) prostheses and treatment for physical
4 complications at all stages of mastectomy, including
5 lymphedemas.

6 Care shall be determined in consultation with the attending
7 physician and the patient. The offered coverage for prosthetic
8 devices and reconstructive surgery shall be subject to the
9 deductible and coinsurance conditions applied to the
10 mastectomy, and all other terms and conditions applicable to
11 other benefits. When a mastectomy is performed and there is no
12 evidence of malignancy then the offered coverage may be
13 limited to the provision of prosthetic devices and
14 reconstructive surgery to within 2 years after the date of the
15 mastectomy. As used in this Section, "mastectomy" means the
16 removal of all or part of the breast for medically necessary
17 reasons, as determined by a licensed physician.

18 A county, including a home rule county, that is a
19 self-insurer for purposes of providing health insurance
20 coverage for its employees, may not penalize or reduce or
21 limit the reimbursement of an attending provider or provide
22 incentives (monetary or otherwise) to an attending provider to
23 induce the provider to provide care to an insured in a manner
24 inconsistent with this Section.

25 (d-20) The requirement that mammograms be included in
26 health insurance coverage as provided in subsections (d)

1 through (d-15) is an exclusive power and function of the State
2 and is a denial and limitation under Article VII, Section 6,
3 subsection (h) of the Illinois Constitution of home rule
4 county powers. A home rule county to which subsections (d)
5 through (d-15) apply must comply with every provision of those
6 subsections.

7 (d-25) If a county, including a home rule county, is a
8 self-insurer for purposes of providing health insurance
9 coverage, the insurance coverage shall include joint mental
10 health therapy services for any member of the sheriff's
11 office, including the sheriff, and any spouse or partner of
12 the member who resides with the member.

13 The joint mental health therapy services provided under
14 this subsection shall be performed by a physician licensed to
15 practice medicine in all of its branches, a licensed clinical
16 psychologist, a licensed clinical social worker, a licensed
17 clinical professional counselor, a licensed marriage and
18 family therapist, a licensed social worker, or a licensed
19 professional counselor.

20 This subsection is a limitation under subsection (i) of
21 Section 6 of Article VII of the Illinois Constitution on the
22 concurrent exercise by home rule units of powers and functions
23 exercised by the State.

24 (e) The term "employees" as used in this Section includes
25 elected or appointed officials but does not include temporary
26 employees.

1 (f) The county board may, by ordinance, arrange to provide
2 group life, health, accident, hospital, and medical insurance,
3 or any one or a combination of those types of insurance, under
4 this Section to retired former employees and retired former
5 elected or appointed officials of the county.

6 (g) Rulemaking authority to implement this amendatory Act
7 of the 95th General Assembly, if any, is conditioned on the
8 rules being adopted in accordance with all provisions of the
9 Illinois Administrative Procedure Act and all rules and
10 procedures of the Joint Committee on Administrative Rules; any
11 purported rule not so adopted, for whatever reason, is
12 unauthorized.

13 (h) If a county, including a home rule county, is a
14 self-insurer for purposes of providing health insurance
15 coverage for its employees, the insurance coverage shall
16 include, on and after June 1, 2025, mental health counseling
17 for any county employee who is a first responder without
18 imposing a deductible, coinsurance, copayment, or any other
19 cost-sharing requirement on the coverage provided, except that
20 this subsection does not apply to the extent such coverage
21 would disqualify a high-deductible health plan from
22 eligibility for a health savings account pursuant to Section
23 223 of the Internal Revenue Code.

24 The requirement that mental health counseling be included
25 in health insurance coverage as provided in this subsection is
26 an exclusive power and function of the State and is a denial

1 and limitation under Article VII, Section 6, subsection (h) of
2 the Illinois Constitution of home rule county powers.

3 As used in this subsection:

4 "First responders" means police and corrections officers,
5 deputy sheriffs, firefighters, emergency medical services
6 personnel, as that term is defined in Section 3.5 of the
7 Emergency Medical Services (EMS) Systems Act, dispatched
8 pursuant to a 9-1-1 call, emergency medical dispatchers, as
9 that term is defined in Section 3.70 of the Emergency Medical
10 Services (EMS) Systems Act, public safety telecommunicators,
11 as that term is defined in Section 2 of the Emergency Telephone
12 System Act, and mental health professionals employed and
13 dispatched by any unit of local government in response to
14 emergency crisis calls received on public emergency service
15 lines instead of or in conjunction with law enforcement.

16 "Mental health counseling" means counseling therapy
17 sessions provided by a clinical social worker, professional
18 counselor, or licensed psychologist.

19 (Source: P.A. 103-818, eff. 1-1-25; 103-1011, eff. 1-1-25;
20 revised 11-26-24.)

21 (Text of Section after amendment by P.A. 103-808)

22 Sec. 5-1069. Group life, health, accident, hospital, and
23 medical insurance.

24 (a) The county board of any county may arrange to provide,
25 for the benefit of employees of the county, group life,

1 health, accident, hospital, and medical insurance, or any one
2 or any combination of those types of insurance, or the county
3 board may self-insure, for the benefit of its employees, all
4 or a portion of the employees' group life, health, accident,
5 hospital, and medical insurance, or any one or any combination
6 of those types of insurance, including a combination of
7 self-insurance and other types of insurance authorized by this
8 Section, provided that the county board complies with all
9 other requirements of this Section. The insurance may include
10 provision for employees who rely on treatment by prayer or
11 spiritual means alone for healing in accordance with the
12 tenets and practice of a well recognized religious
13 denomination. The county board may provide for payment by the
14 county of a portion or all of the premium or charge for the
15 insurance with the employee paying the balance of the premium
16 or charge, if any. If the county board undertakes a plan under
17 which the county pays only a portion of the premium or charge,
18 the county board shall provide for withholding and deducting
19 from the compensation of those employees who consent to join
20 the plan the balance of the premium or charge for the
21 insurance.

22 (b) If the county board does not provide for
23 self-insurance or for a plan under which the county pays a
24 portion or all of the premium or charge for a group insurance
25 plan, the county board may provide for withholding and
26 deducting from the compensation of those employees who consent

1 thereto the total premium or charge for any group life,
2 health, accident, hospital, and medical insurance.

3 (c) The county board may exercise the powers granted in
4 this Section only if it provides for self-insurance or, where
5 it makes arrangements to provide group insurance through an
6 insurance carrier, if the kinds of group insurance are
7 obtained from an insurance company authorized to do business
8 in the State of Illinois. The county board may enact an
9 ordinance prescribing the method of operation of the insurance
10 program.

11 (d) If a county, including a home rule county, is a
12 self-insurer for purposes of providing health insurance
13 coverage for its employees, the insurance coverage shall
14 include screening by low-dose mammography for all patients 35
15 years of age or older for the presence of occult breast cancer
16 unless the county elects to provide mammograms itself under
17 Section 5-1069.1. The coverage shall be as follows:

18 (1) A baseline mammogram for patients 35 to 39 years
19 of age.

20 (2) An annual mammogram for patients 40 years of age
21 or older.

22 (3) A mammogram at the age and intervals considered
23 medically necessary by the patient's health care provider
24 for patients under 40 years of age and having a family
25 history of breast cancer, prior personal history of breast
26 cancer, positive genetic testing, or other risk factors.

1 (4) For a group policy of accident and health
2 insurance that is amended, delivered, issued, or renewed
3 on or after January 1, 2020 (the effective date of Public
4 Act 101-580), a comprehensive ultrasound screening of an
5 entire breast or breasts if a mammogram demonstrates
6 heterogeneous or dense breast tissue or when medically
7 necessary as determined by a physician licensed to
8 practice medicine in all of its branches, advanced
9 practice registered nurse, or physician assistant.

10 (4.5) For a group policy of accident and health
11 insurance that is amended, delivered, issued, or renewed
12 on or after January 1, 2026 (the effective date of Public
13 Act 103-808) ~~this amendatory Act of the 103rd General~~
14 ~~Assembly~~, molecular breast imaging (MBI) and magnetic
15 resonance imaging of an entire breast or breasts if a
16 mammogram demonstrates heterogeneous or dense breast
17 tissue or when medically necessary as determined by a
18 physician licensed to practice medicine in all of its
19 branches, advanced practice registered nurse, or physician
20 assistant.

21 (5) For a group policy of accident and health
22 insurance that is amended, delivered, issued, or renewed
23 on or after January 1, 2020 (the effective date of Public
24 Act 101-580), a diagnostic mammogram when medically
25 necessary, as determined by a physician licensed to
26 practice medicine in all its branches, advanced practice

1 registered nurse, or physician assistant.

2 A policy subject to this subsection shall not impose a
3 deductible, coinsurance, copayment, or any other cost-sharing
4 requirement on the coverage provided; except that this
5 sentence does not apply to coverage of diagnostic mammograms
6 to the extent such coverage would disqualify a high-deductible
7 health plan from eligibility for a health savings account
8 pursuant to Section 223 of the Internal Revenue Code (26
9 U.S.C. 223).

10 For purposes of this subsection:

11 "Diagnostic mammogram" means a mammogram obtained using
12 diagnostic mammography.

13 "Diagnostic mammography" means a method of screening that
14 is designed to evaluate an abnormality in a breast, including
15 an abnormality seen or suspected on a screening mammogram or a
16 subjective or objective abnormality otherwise detected in the
17 breast.

18 "Low-dose mammography" means the x-ray examination of the
19 breast using equipment dedicated specifically for mammography,
20 including the x-ray tube, filter, compression device, and
21 image receptor, with an average radiation exposure delivery of
22 less than one rad per breast for 2 views of an average size
23 breast. The term also includes digital mammography.

24 (d-5) Coverage as described by subsection (d) shall be
25 provided at no cost to the insured and shall not be applied to
26 an annual or lifetime maximum benefit.

1 (d-10) When health care services are available through
2 contracted providers and a person does not comply with plan
3 provisions specific to the use of contracted providers, the
4 requirements of subsection (d-5) are not applicable. When a
5 person does not comply with plan provisions specific to the
6 use of contracted providers, plan provisions specific to the
7 use of non-contracted providers must be applied without
8 distinction for coverage required by this Section and shall be
9 at least as favorable as for other radiological examinations
10 covered by the policy or contract.

11 (d-15) If a county, including a home rule county, is a
12 self-insurer for purposes of providing health insurance
13 coverage for its employees, the insurance coverage shall
14 include mastectomy coverage, which includes coverage for
15 prosthetic devices or reconstructive surgery incident to the
16 mastectomy. Coverage for breast reconstruction in connection
17 with a mastectomy shall include:

18 (1) reconstruction of the breast upon which the
19 mastectomy has been performed;

20 (2) surgery and reconstruction of the other breast to
21 produce a symmetrical appearance; and

22 (3) prostheses and treatment for physical
23 complications at all stages of mastectomy, including
24 lymphedemas.

25 Care shall be determined in consultation with the attending
26 physician and the patient. The offered coverage for prosthetic

1 devices and reconstructive surgery shall be subject to the
2 deductible and coinsurance conditions applied to the
3 mastectomy, and all other terms and conditions applicable to
4 other benefits. When a mastectomy is performed and there is no
5 evidence of malignancy then the offered coverage may be
6 limited to the provision of prosthetic devices and
7 reconstructive surgery to within 2 years after the date of the
8 mastectomy. As used in this Section, "mastectomy" means the
9 removal of all or part of the breast for medically necessary
10 reasons, as determined by a licensed physician.

11 A county, including a home rule county, that is a
12 self-insurer for purposes of providing health insurance
13 coverage for its employees, may not penalize or reduce or
14 limit the reimbursement of an attending provider or provide
15 incentives (monetary or otherwise) to an attending provider to
16 induce the provider to provide care to an insured in a manner
17 inconsistent with this Section.

18 (d-20) The requirement that mammograms be included in
19 health insurance coverage as provided in subsections (d)
20 through (d-15) is an exclusive power and function of the State
21 and is a denial and limitation under Article VII, Section 6,
22 subsection (h) of the Illinois Constitution of home rule
23 county powers. A home rule county to which subsections (d)
24 through (d-15) apply must comply with every provision of those
25 subsections.

26 (d-25) If a county, including a home rule county, is a

1 self-insurer for purposes of providing health insurance
2 coverage, the insurance coverage shall include joint mental
3 health therapy services for any member of the sheriff's
4 office, including the sheriff, and any spouse or partner of
5 the member who resides with the member.

6 The joint mental health therapy services provided under
7 this subsection shall be performed by a physician licensed to
8 practice medicine in all of its branches, a licensed clinical
9 psychologist, a licensed clinical social worker, a licensed
10 clinical professional counselor, a licensed marriage and
11 family therapist, a licensed social worker, or a licensed
12 professional counselor.

13 This subsection is a limitation under subsection (i) of
14 Section 6 of Article VII of the Illinois Constitution on the
15 concurrent exercise by home rule units of powers and functions
16 exercised by the State.

17 (e) The term "employees" as used in this Section includes
18 elected or appointed officials but does not include temporary
19 employees.

20 (f) The county board may, by ordinance, arrange to provide
21 group life, health, accident, hospital, and medical insurance,
22 or any one or a combination of those types of insurance, under
23 this Section to retired former employees and retired former
24 elected or appointed officials of the county.

25 (g) Rulemaking authority to implement this amendatory Act
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of the
2 Illinois Administrative Procedure Act and all rules and
3 procedures of the Joint Committee on Administrative Rules; any
4 purported rule not so adopted, for whatever reason, is
5 unauthorized.

6 (h) If a county, including a home rule county, is a
7 self-insurer for purposes of providing health insurance
8 coverage for its employees, the insurance coverage shall
9 include, on and after June 1, 2025, mental health counseling
10 for any county employee who is a first responder without
11 imposing a deductible, coinsurance, copayment, or any other
12 cost-sharing requirement on the coverage provided, except that
13 this subsection does not apply to the extent such coverage
14 would disqualify a high-deductible health plan from
15 eligibility for a health savings account pursuant to Section
16 223 of the Internal Revenue Code.

17 The requirement that mental health counseling be included
18 in health insurance coverage as provided in this subsection is
19 an exclusive power and function of the State and is a denial
20 and limitation under Article VII, Section 6, subsection (h) of
21 the Illinois Constitution of home rule county powers.

22 As used in this subsection:

23 "First responders" means police and corrections officers,
24 deputy sheriffs, firefighters, emergency medical services
25 personnel, as that term is defined in Section 3.5 of the
26 Emergency Medical Services (EMS) Systems Act, dispatched

1 pursuant to a 9-1-1 call, emergency medical dispatchers, as
2 that term is defined in Section 3.70 of the Emergency Medical
3 Services (EMS) Systems Act, public safety telecommunicators,
4 as that term is defined in Section 2 of the Emergency Telephone
5 System Act, and mental health professionals employed and
6 dispatched by any unit of local government in response to
7 emergency crisis calls received on public emergency service
8 lines instead of or in conjunction with law enforcement.

9 "Mental health counseling" means counseling therapy
10 sessions provided by a clinical social worker, professional
11 counselor, or licensed psychologist.

12 (Source: P.A. 103-808, eff. 1-1-26; 103-818, eff. 1-1-25;
13 103-1011, eff. 1-1-25; revised 11-26-24.)

14 (55 ILCS 5/5-1069.3)

15 Sec. 5-1069.3. Required health benefits. If a county,
16 including a home rule county, is a self-insurer for purposes
17 of providing health insurance coverage for its employees, the
18 coverage shall include coverage for the post-mastectomy care
19 benefits required to be covered by a policy of accident and
20 health insurance under Section 356t and the coverage required
21 under Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u,
22 356u.10, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9,
23 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
24 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 356z.33, 356z.36,
25 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51,

1 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, 356z.61,
2 356z.62, 356z.64, 356z.67, 356z.68, ~~and~~ 356z.70, ~~and~~ 356z.71,
3 356z.74, and 356z.77 of the Illinois Insurance Code. The
4 coverage shall comply with Sections 155.22a, 355b, 356z.19,
5 and 370c of the Illinois Insurance Code. The Department of
6 Insurance shall enforce the requirements of this Section. The
7 requirement that health benefits be covered as provided in
8 this Section is an exclusive power and function of the State
9 and is a denial and limitation under Article VII, Section 6,
10 subsection (h) of the Illinois Constitution. A home rule
11 county to which this Section applies must comply with every
12 provision of this Section.

13 Rulemaking authority to implement Public Act 95-1045, if
14 any, is conditioned on the rules being adopted in accordance
15 with all provisions of the Illinois Administrative Procedure
16 Act and all rules and procedures of the Joint Committee on
17 Administrative Rules; any purported rule not so adopted, for
18 whatever reason, is unauthorized.

19 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
20 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
21 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,
22 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;
23 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.
24 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,
25 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;
26 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; 103-605, eff.

1 7-1-24; 103-718, eff. 7-19-24; 103-751, eff. 8-2-24; 103-914,
2 eff. 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25;
3 revised 11-26-24.)

4 (55 ILCS 5/5-1189)

5 Sec. 5-1189. Shelby County rescue squad. The Shelby County
6 Board may form, manage, fund, and operate a volunteer rescue
7 squad to provide assistance within Shelby County to any public
8 entity providing law enforcement, firefighting, emergency
9 disaster response, or first responder services. The volunteer
10 rescue squad may (i) locate missing persons, including
11 drowning victims, (ii) perform a supporting, and not direct,
12 role in fighting fires, and (iii) extricate persons from
13 unsafe conditions. The Shelby County Board may provide
14 benefits for rescue squad volunteers who suffer disease,
15 injury, or death in the line of duty.

16 (Source: P.A. 103-895, eff. 1-1-25.)

17 (55 ILCS 5/5-1190)

18 Sec. 5-1190 ~~5-1189~~. Access to and use of county
19 infrastructure for broadband. A county may lease, license, or
20 otherwise grant access to and use of infrastructure, including
21 fiber optic cables, that the county owns or controls to public
22 or private entities to facilitate the delivery of broadband
23 services on the condition that the lease, license, access, or
24 use: (1) be granted on a nondiscriminatory, nonexclusive, and

1 competitively neutral basis; and (2) comply with all other
2 State and federal laws, rules, and regulations, including, but
3 not limited to, all applicable safety codes and requirements.
4 However, nothing in this Section shall be construed to
5 authorize a county to lease, license, or otherwise grant
6 access to or use of infrastructure that the county does not own
7 or control to public or private entities to facilitate the
8 delivery of broadband services. This Section applies to
9 leases, licenses, or other agreements entered into, amended,
10 or renewed on or after January 1, 2025 (the effective date of
11 Public Act 103-947) ~~this amendatory Act of the 103rd General~~
12 ~~Assembly.~~

13 (Source: P.A. 103-947, eff. 1-1-25; revised 12-3-24.)

14 (55 ILCS 5/5-1191)

15 Sec. 5-1191 ~~5-1189~~. Transportation to problem-solving
16 courts.

17 (a) As used in this Section, "problem-solving court" means
18 a court program regulated under the Drug Court Treatment Act,
19 the Juvenile Drug Court Treatment Act, the Mental Health Court
20 Treatment Act, or the Veterans and Servicemembers Court
21 Treatment Act.

22 (b) Notwithstanding any other provision of law, a county
23 may use funds designated by law or ordinance for
24 transportation purposes to fund rides for persons to attend
25 problem-solving courts. The county may enter into an

1 intergovernmental agreement with another unit of local
2 government for the purposes of this Section.

3 (Source: P.A. 103-988, eff. 1-1-25; revised 12-3-24.)

4 (55 ILCS 5/5-12020)

5 Sec. 5-12020. Commercial wind energy facilities and
6 commercial solar energy facilities.

7 (a) As used in this Section:

8 "Commercial solar energy facility" means a "commercial
9 solar energy system" as defined in Section 10-720 of the
10 Property Tax Code. "Commercial solar energy facility" does not
11 mean a utility-scale solar energy facility being constructed
12 at a site that was eligible to participate in a procurement
13 event conducted by the Illinois Power Agency pursuant to
14 subsection (c-5) of Section 1-75 of the Illinois Power Agency
15 Act.

16 "Commercial wind energy facility" means a wind energy
17 conversion facility of equal or greater than 500 kilowatts in
18 total nameplate generating capacity. "Commercial wind energy
19 facility" includes a wind energy conversion facility seeking
20 an extension of a permit to construct granted by a county or
21 municipality before January 27, 2023 (the effective date of
22 Public Act 102-1123).

23 "Facility owner" means (i) a person with a direct
24 ownership interest in a commercial wind energy facility or a
25 commercial solar energy facility, or both, regardless of

1 whether the person is involved in acquiring the necessary
2 rights, permits, and approvals or otherwise planning for the
3 construction and operation of the facility, and (ii) at the
4 time the facility is being developed, a person who is acting as
5 a developer of the facility by acquiring the necessary rights,
6 permits, and approvals or by planning for the construction and
7 operation of the facility, regardless of whether the person
8 will own or operate the facility.

9 "Nonparticipating property" means real property that is
10 not a participating property.

11 "Nonparticipating residence" means a residence that is
12 located on nonparticipating property and that is existing and
13 occupied on the date that an application for a permit to
14 develop the commercial wind energy facility or the commercial
15 solar energy facility is filed with the county.

16 "Occupied community building" means any one or more of the
17 following buildings that is existing and occupied on the date
18 that the application for a permit to develop the commercial
19 wind energy facility or the commercial solar energy facility
20 is filed with the county: a school, place of worship, day care
21 facility, public library, or community center.

22 "Participating property" means real property that is the
23 subject of a written agreement between a facility owner and
24 the owner of the real property that provides the facility
25 owner an easement, option, lease, or license to use the real
26 property for the purpose of constructing a commercial wind

1 energy facility, a commercial solar energy facility, or
2 supporting facilities. "Participating property" also includes
3 real property that is owned by a facility owner for the purpose
4 of constructing a commercial wind energy facility, a
5 commercial solar energy facility, or supporting facilities.

6 "Participating residence" means a residence that is
7 located on participating property and that is existing and
8 occupied on the date that an application for a permit to
9 develop the commercial wind energy facility or the commercial
10 solar energy facility is filed with the county.

11 "Protected lands" means real property that is:

12 (1) subject to a permanent conservation right
13 consistent with the Real Property Conservation Rights Act;
14 or

15 (2) registered or designated as a nature preserve,
16 buffer, or land and water reserve under the Illinois
17 Natural Areas Preservation Act.

18 "Supporting facilities" means the transmission lines,
19 substations, access roads, meteorological towers, storage
20 containers, and equipment associated with the generation and
21 storage of electricity by the commercial wind energy facility
22 or commercial solar energy facility.

23 "Wind tower" includes the wind turbine tower, nacelle, and
24 blades.

25 (b) Notwithstanding any other provision of law or whether
26 the county has formed a zoning commission and adopted formal

1 zoning under Section 5-12007, a county may establish standards
2 for commercial wind energy facilities, commercial solar energy
3 facilities, or both. The standards may include all of the
4 requirements specified in this Section but may not include
5 requirements for commercial wind energy facilities or
6 commercial solar energy facilities that are more restrictive
7 than specified in this Section. A county may also regulate the
8 siting of commercial wind energy facilities with standards
9 that are not more restrictive than the requirements specified
10 in this Section in unincorporated areas of the county that are
11 outside the zoning jurisdiction of a municipality and that are
12 outside the 1.5-mile radius surrounding the zoning
13 jurisdiction of a municipality.

14 (c) If a county has elected to establish standards under
15 subsection (b), before the county grants siting approval or a
16 special use permit for a commercial wind energy facility or a
17 commercial solar energy facility, or modification of an
18 approved siting or special use permit, the county board of the
19 county in which the facility is to be sited or the zoning board
20 of appeals for the county shall hold at least one public
21 hearing. The public hearing shall be conducted in accordance
22 with the Open Meetings Act and shall be held not more than 60
23 days after the filing of the application for the facility. The
24 county shall allow interested parties to a special use permit
25 an opportunity to present evidence and to cross-examine
26 witnesses at the hearing, but the county may impose reasonable

1 restrictions on the public hearing, including reasonable time
2 limitations on the presentation of evidence and the
3 cross-examination of witnesses. The county shall also allow
4 public comment at the public hearing in accordance with the
5 Open Meetings Act. The county shall make its siting and
6 permitting decisions not more than 30 days after the
7 conclusion of the public hearing. Notice of the hearing shall
8 be published in a newspaper of general circulation in the
9 county. A facility owner must enter into an agricultural
10 impact mitigation agreement with the Department of Agriculture
11 prior to the date of the required public hearing. A commercial
12 wind energy facility owner seeking an extension of a permit
13 granted by a county prior to July 24, 2015 (the effective date
14 of Public Act 99-132) must enter into an agricultural impact
15 mitigation agreement with the Department of Agriculture prior
16 to a decision by the county to grant the permit extension.
17 Counties may allow test wind towers or test solar energy
18 systems to be sited without formal approval by the county
19 board.

20 (d) A county with an existing zoning ordinance in conflict
21 with this Section shall amend that zoning ordinance to be in
22 compliance with this Section within 120 days after January 27,
23 2023 (the effective date of Public Act 102-1123).

24 (e) A county may require:

25 (1) a wind tower of a commercial wind energy facility
26 to be sited as follows, with setback distances measured

1 from the center of the base of the wind tower:

2 Occupied Community 150 feet from the nearest

3 Buildings and Dwellings on point on the outside wall

4 Nonparticipating Properties of the structure

5 Boundary Lines of None

6 Participating Property

7 Public Road Rights-of-Way 50 feet from the nearest

8 edge

9 Boundary Lines of 50 feet to the nearest

10 Nonparticipating Property point on the property

11 line of the nonparticipating

12 property

13 -----

14 Shall bonds of the Chicago

15 Park District to the amount of YES

16 Dollars (\$.....) be -----

17 issued for the purpose of..... NO

18?

19 -----

20 -----

21 Shall general obligation

22 bonds in the amount of \$....

1 be issued by the Kaskaskia YES
2 Regional Port District for
3 the purpose of, maturing
4 in not more than years, -----
5 bearing not more than%
6 interest, and a tax levied NO
7 to pay the principal and
8 interest thereof?
9 -----

10 -----
11 Shall general obligation bonds
12 in the amount of \$.... be issued YES
13 by the Southwest Regional Port
14 District for the purpose of,
15 maturing in not more than years, -----
16 bearing not more than% interest,
17 and a tax levied to pay the principal NO
18 and interest thereof?
19 -----
20 -----

21 Shall general obligation bonds
22 in the amount of \$.... be issued YES
23 by America's Central Port
24 District for the purpose of -----
25 maturing in not more than

1 years, bearing not more than% NO
2 interest, and a tax levied to pay
3 the principal and interest thereof?

4 -----

5 -----

6 Shall the offices of township
7 treasurer and YES
8 trustee of -----
9 schools of Township NO
10 Range be abolished?

11 -----

12	Amount	Number of Tanks
13	\$2,000,000	fewer than 101
14	\$3,000,000	101 or more

15 -----

16 Shall county bonds for county YES
17 unit district roads be issued to the -----
18 amount of \$....? NO

19 -----

20 property

21 Public Road Rights-of-Way 1.1 times the maximum blade tip
22 height of the wind tower
23 to the center point of the
24 public road right-of-way

1 Overhead Communication and 1.1 times the maximum blade tip
2 Electric Transmission height of the wind tower to the
3 and Distribution Facilities nearest edge of the property
4 (Not Including Overhead line, easement, or
5 Utility Service Lines to right-of-way
6 Individual Houses or containing the overhead line
7 Outbuildings)

8 Overhead Utility Service None
9 Lines to Individual
10 Houses or Outbuildings

11 Fish and Wildlife Areas 2.1 times the maximum blade
12 and Illinois Nature tip height of the wind tower
13 Preserve Commission to the nearest point on the
14 Protected Lands property line of the fish and
15 wildlife area or protected
16 land

17 This Section does not exempt or excuse compliance with
18 electric facility clearances approved or required by the
19 National Electrical Code, the ~~The~~ National Electrical
20 Safety Code, the Illinois Commerce Commission, and the
21 Federal Energy Regulatory Commission, and their designees
22 or successors;:-

23 (2) a wind tower of a commercial wind energy facility

1 to be sited so that industry standard computer modeling
2 indicates that any occupied community building or
3 nonparticipating residence will not experience more than
4 30 hours per year of shadow flicker under planned
5 operating conditions;

6 (3) a commercial solar energy facility to be sited as
7 follows, with setback distances measured from the nearest
8 edge of any component of the facility:

9	Setback Description	Setback Distance
10	Occupied Community	150 feet from the nearest
11	Buildings and Dwellings on	point on the outside wall
12	Nonparticipating Properties	of the structure
13	Boundary Lines of	None
14	Participating Property	
15	Public Road Rights-of-Way	50 feet from the nearest
16		edge
17	Boundary Lines of	50 feet to the nearest
18	Nonparticipating Property	point on the property
19		line of the nonparticipating
20		property

1 (4) a commercial solar energy facility to be sited so
2 that the facility's perimeter is enclosed by fencing
3 having a height of at least 6 feet and no more than 25
4 feet; and

5 (5) a commercial solar energy facility to be sited so
6 that no component of a solar panel has a height of more
7 than 20 feet above ground when the solar energy facility's
8 arrays are at full tilt.

9 The requirements set forth in this subsection (e) may be
10 waived subject to the written consent of the owner of each
11 affected nonparticipating property.

12 (f) A county may not set a sound limitation for wind towers
13 in commercial wind energy facilities or any components in
14 commercial solar energy facilities that is more restrictive
15 than the sound limitations established by the Illinois
16 Pollution Control Board under 35 Ill. Adm. Code Parts 900,
17 901, and 910.

18 (g) A county may not place any restriction on the
19 installation or use of a commercial wind energy facility or a
20 commercial solar energy facility unless it adopts an ordinance
21 that complies with this Section. A county may not establish
22 siting standards for supporting facilities that preclude
23 development of commercial wind energy facilities or commercial
24 solar energy facilities.

25 A request for siting approval or a special use permit for a
26 commercial wind energy facility or a commercial solar energy

1 facility, or modification of an approved siting or special use
2 permit, shall be approved if the request is in compliance with
3 the standards and conditions imposed in this Act, the zoning
4 ordinance adopted consistent with this Code, and the
5 conditions imposed under State and federal statutes and
6 regulations.

7 (h) A county may not adopt zoning regulations that
8 disallow, permanently or temporarily, commercial wind energy
9 facilities or commercial solar energy facilities from being
10 developed or operated in any district zoned to allow
11 agricultural or industrial uses.

12 (i) A county may not require permit application fees for a
13 commercial wind energy facility or commercial solar energy
14 facility that are unreasonable. All application fees imposed
15 by the county shall be consistent with fees for projects in the
16 county with similar capital value and cost.

17 (j) Except as otherwise provided in this Section, a county
18 shall not require standards for construction, decommissioning,
19 or deconstruction of a commercial wind energy facility or
20 commercial solar energy facility or related financial
21 assurances that are more restrictive than those included in
22 the Department of Agriculture's standard wind farm
23 agricultural impact mitigation agreement, template 81818, or
24 standard solar agricultural impact mitigation agreement,
25 version 8.19.19, as applicable and in effect on December 31,
26 2022. The amount of any decommissioning payment shall be in

1 accordance with the financial assurance required by those
2 agricultural impact mitigation agreements.

3 (j-5) A commercial wind energy facility or a commercial
4 solar energy facility shall file a farmland drainage plan with
5 the county and impacted drainage districts outlining how
6 surface and subsurface drainage of farmland will be restored
7 during and following construction or deconstruction of the
8 facility. The plan is to be created independently by the
9 facility developer and shall include the location of any
10 potentially impacted drainage district facilities to the
11 extent this information is publicly available from the county
12 or the drainage district, plans to repair any subsurface
13 drainage affected during construction or deconstruction using
14 procedures outlined in the agricultural impact mitigation
15 agreement entered into by the commercial wind energy facility
16 owner or commercial solar energy facility owner, and
17 procedures for the repair and restoration of surface drainage
18 affected during construction or deconstruction. All surface
19 and subsurface damage shall be repaired as soon as reasonably
20 practicable.

21 (k) A county may not condition approval of a commercial
22 wind energy facility or commercial solar energy facility on a
23 property value guarantee and may not require a facility owner
24 to pay into a neighboring property devaluation escrow account.

25 (l) A county may require certain vegetative screening
26 surrounding a commercial wind energy facility or commercial

1 solar energy facility but may not require earthen berms or
2 similar structures.

3 (m) A county may set blade tip height limitations for wind
4 towers in commercial wind energy facilities but may not set a
5 blade tip height limitation that is more restrictive than the
6 height allowed under a Determination of No Hazard to Air
7 Navigation by the Federal Aviation Administration under 14 CFR
8 Part 77.

9 (n) A county may require that a commercial wind energy
10 facility owner or commercial solar energy facility owner
11 provide:

12 (1) the results and recommendations from consultation
13 with the Illinois Department of Natural Resources that are
14 obtained through the Ecological Compliance Assessment Tool
15 (EcoCAT) or a comparable successor tool; and

16 (2) the results of the United States Fish and Wildlife
17 Service's Information for Planning and Consulting
18 environmental review or a comparable successor tool that
19 is consistent with (i) the "U.S. Fish and Wildlife
20 Service's Land-Based Wind Energy Guidelines" and (ii) any
21 applicable United States Fish and Wildlife Service solar
22 wildlife guidelines that have been subject to public
23 review.

24 (o) A county may require a commercial wind energy facility
25 or commercial solar energy facility to adhere to the
26 recommendations provided by the Illinois Department of Natural

1 Resources in an EcoCAT natural resource review report under 17
2 Ill. Adm. Code Part 1075.

3 (p) A county may require a facility owner to:

4 (1) demonstrate avoidance of protected lands as
5 identified by the Illinois Department of Natural Resources
6 and the Illinois Nature Preserve Commission; or

7 (2) consider the recommendations of the Illinois
8 Department of Natural Resources for setbacks from
9 protected lands, including areas identified by the
10 Illinois Nature Preserve Commission.

11 (q) A county may require that a facility owner provide
12 evidence of consultation with the Illinois State Historic
13 Preservation Office to assess potential impacts on
14 State-registered historic sites under the Illinois State
15 Agency Historic Resources Preservation Act.

16 (r) To maximize community benefits, including, but not
17 limited to, reduced stormwater runoff, flooding, and erosion
18 at the ground mounted solar energy system, improved soil
19 health, and increased foraging habitat for game birds,
20 songbirds, and pollinators, a county may (1) require a
21 commercial solar energy facility owner to plant, establish,
22 and maintain for the life of the facility vegetative ground
23 cover, consistent with the goals of the Pollinator-Friendly
24 Solar Site Act and (2) require the submittal of a vegetation
25 management plan that is in compliance with the agricultural
26 impact mitigation agreement in the application to construct

1 and operate a commercial solar energy facility in the county
2 if the vegetative ground cover and vegetation management plan
3 comply with the requirements of the underlying agreement with
4 the landowner or landowners where the facility will be
5 constructed.

6 No later than 90 days after January 27, 2023 (the
7 effective date of Public Act 102-1123), the Illinois
8 Department of Natural Resources shall develop guidelines for
9 vegetation management plans that may be required under this
10 subsection for commercial solar energy facilities. The
11 guidelines must include guidance for short-term and long-term
12 property management practices that provide and maintain native
13 and non-invasive naturalized perennial vegetation to protect
14 the health and well-being of pollinators.

15 (s) If a facility owner enters into a road use agreement
16 with the Illinois Department of Transportation, a road
17 district, or other unit of local government relating to a
18 commercial wind energy facility or a commercial solar energy
19 facility, the road use agreement shall require the facility
20 owner to be responsible for (i) the reasonable cost of
21 improving roads used by the facility owner to construct the
22 commercial wind energy facility or the commercial solar energy
23 facility and (ii) the reasonable cost of repairing roads used
24 by the facility owner during construction of the commercial
25 wind energy facility or the commercial solar energy facility
26 so that those roads are in a condition that is safe for the

1 driving public after the completion of the facility's
2 construction. Roadways improved in preparation for and during
3 the construction of the commercial wind energy facility or
4 commercial solar energy facility shall be repaired and
5 restored to the improved condition at the reasonable cost of
6 the developer if the roadways have degraded or were damaged as
7 a result of construction-related activities.

8 The road use agreement shall not require the facility
9 owner to pay costs, fees, or charges for road work that is not
10 specifically and uniquely attributable to the construction of
11 the commercial wind energy facility or the commercial solar
12 energy facility. Road-related fees, permit fees, or other
13 charges imposed by the Illinois Department of Transportation,
14 a road district, or other unit of local government under a road
15 use agreement with the facility owner shall be reasonably
16 related to the cost of administration of the road use
17 agreement.

18 (s-5) The facility owner shall also compensate landowners
19 for crop losses or other agricultural damages resulting from
20 damage to the drainage system caused by the construction of
21 the commercial wind energy facility or the commercial solar
22 energy facility. The commercial wind energy facility owner or
23 commercial solar energy facility owner shall repair or pay for
24 the repair of all damage to the subsurface drainage system
25 caused by the construction of the commercial wind energy
26 facility or the commercial solar energy facility in accordance

1 with the agriculture impact mitigation agreement requirements
2 for repair of drainage. The commercial wind energy facility
3 owner or commercial solar energy facility owner shall repair
4 or pay for the repair and restoration of surface drainage
5 caused by the construction or deconstruction of the commercial
6 wind energy facility or the commercial solar energy facility
7 as soon as reasonably practicable.

8 (t) Notwithstanding any other provision of law, a facility
9 owner with siting approval from a county to construct a
10 commercial wind energy facility or a commercial solar energy
11 facility is authorized to cross or impact a drainage system,
12 including, but not limited to, drainage tiles, open drainage
13 ditches, culverts, and water gathering vaults, owned or under
14 the control of a drainage district under the Illinois Drainage
15 Code without obtaining prior agreement or approval from the
16 drainage district in accordance with the farmland drainage
17 plan required by subsection (j-5).

18 (u) The amendments to this Section adopted in Public Act
19 102-1123 do not apply to: (1) an application for siting
20 approval or for a special use permit for a commercial wind
21 energy facility or commercial solar energy facility if the
22 application was submitted to a unit of local government before
23 January 27, 2023 (the effective date of Public Act 102-1123);
24 (2) a commercial wind energy facility or a commercial solar
25 energy facility if the facility owner has submitted an
26 agricultural impact mitigation agreement to the Department of

1 Agriculture before January 27, 2023 (the effective date of
2 Public Act 102-1123); or (3) a commercial wind energy or
3 commercial solar energy development on property that is
4 located within an enterprise zone certified under the Illinois
5 Enterprise Zone Act, that was classified as industrial by the
6 appropriate zoning authority on or before January 27, 2023,
7 and that is located within 4 miles of the intersection of
8 Interstate 88 and Interstate 39.

9 (Source: P.A. 102-1123, eff. 1-27-23; 103-81, eff. 6-9-23;
10 103-580, eff. 12-8-23; revised 7-29-24.)

11 (55 ILCS 5/5-12022)

12 Sec. 5-12022. Building permit fee for veterans with a
13 disability.

14 (a) A veteran with a disability or the veteran's caregiver
15 shall not be charged any building permit fee for improvements
16 to the residence of the veteran with a disability if the
17 improvements are required to accommodate a disability of the
18 veteran. Nothing in this subsection changes the obligation of
19 any person to submit to the county applications, forms, or
20 other paperwork to obtain a building permit. A veteran or
21 caregiver must provide proof of veteran status and attest to
22 the fact that the improvements to the residence are required
23 to accommodate the veteran's disability. Proof of veteran
24 status is to be construed liberally, and veteran status shall
25 include service in the Armed Forces of the United States,

1 National Guard, or the reserves of the Armed Forces of the
2 United States.

3 (b) What constitutes proof of veteran status shall be
4 determined by the county. The Illinois Department of Veterans'
5 Affairs may not adjudicate any dispute arising under
6 subsection ~~paragraph~~ (a).

7 (c) A home rule county may not regulate building permit
8 fees in a manner inconsistent with this Section. This Section
9 is a limitation under subsection (i) of Section 6 of Article
10 VII of the Illinois Constitution on the concurrent exercise by
11 home rule units of powers and functions exercised by the
12 State.

13 (Source: P.A. 103-621, eff. 1-1-25; revised 11-26-24.)

14 (55 ILCS 5/5-12023)

15 Sec. 5-12023 ~~5-12022~~. Battery-charged fences.

16 (a) As used in this Section, "battery-charged fence" means
17 a fence energized by a battery that is not more than 12 volts
18 of direct current that interfaces with an alarm system in a
19 manner that enables the fence to cause the connected alarm
20 system to transmit a signal intended to notify law enforcement
21 of a potential intrusion.

22 (b) Notwithstanding any other law, a county may not
23 require a permit or other approval for the installation,
24 maintenance, placement, replacement, or servicing of a
25 battery-charged fence if (i) the battery-charged fence is

1 located on nonresidential property completely surrounded by a
2 nonelectric perimeter fence or wall that is not less than 5
3 feet in height and does not exceed 10 feet in height or 2 feet
4 higher than the nonelectric perimeter fence or wall, whichever
5 is higher, and (ii) any electrical charge produced on contact
6 does not exceed energizer characteristics set for electric
7 fences by the International Electrotechnical Commission.

8 (c) Any battery-charged fence installed under this Section
9 must have conspicuous signs located on the fence placed not
10 less than 30 feet apart that read: "WARNING: ELECTRIC FENCE".

11 (d) A home rule county may not regulate battery-charged
12 fencing in a manner inconsistent with this Section. This
13 Section is a limitation under subsection (i) of Section 6 of
14 Article VII of the Illinois Constitution on the concurrent
15 exercise by home rule units of powers and functions exercised
16 by the State.

17 (Source: P.A. 103-796, eff. 1-1-25; revised 12-3-24.)

18 (55 ILCS 5/5-15017) (from Ch. 34, par. 5-15017)

19 Sec. 5-15017. Revenue bonds. In order to pay the cost of
20 the construction, acquisition by condemnation, purchase, or
21 otherwise of any waterworks properties, or sewage facilities,
22 or a combination thereof, or waste management facilities, as
23 the case may be, and the improvement or extension from time to
24 time thereof, including engineering, inspection, legal and
25 financial fees and costs, working capital, interest on such

1 bonds during construction and for a reasonable period
2 thereafter, establishment of reserves to secure such bonds and
3 all other expenditures of such county incidental and necessary
4 or convenient thereto, the county board may issue and sell
5 revenue bonds payable solely from the income and revenue
6 derived from the operation of the waterworks properties, or
7 sewage facilities, or a combination thereof, or waste
8 management facilities, as the case may be, and may also from
9 time to time issue revenue bonds for the purpose of paying,
10 refunding, or redeeming revenue bonds before, after, or at
11 their maturity, including paying redemption premiums or
12 interest accruing or to accrue on the bonds being paid or
13 redeemed or for paying any other costs in connection with any
14 such payment or redemption. All such bonds shall be authorized
15 by ordinance to be adopted by the board, which shall be
16 separate and distinct as applies to waterworks properties and
17 as applied to sewage facilities except where the system is
18 combined. Such bonds shall bear such date or dates, mature at
19 such time or serially at such times not exceeding 40 years from
20 their respective dates, may bear interest at such rate or
21 rates not exceeding the maximum rate established in the Bond
22 Authorization Act ~~"An Act to authorize public corporations to~~
23 ~~issue bonds, other evidences of indebtedness and tax~~
24 ~~anticipation warrants subject to interest rate limitations set~~
25 ~~forth therein", approved May 26, 1970,~~ as from time to time in
26 effect, may be in such form, may carry such registration

1 privileges, may be executed in such manner, may be payable at
2 such place or places, may be subject to redemption in such
3 manner, and upon such terms with or without premium as is
4 stated on the face thereof, and may be executed in such manner
5 by such officers, and may contain such terms and covenants,
6 all as provided by the ordinance authorizing the issue.

7 Such bonds shall be sold in such manner as the board shall
8 determine, and if issued to bear interest at the maximum rate
9 specified in this Section shall be sold for not less than par
10 and accrued interest; however, the selling price of any bonds
11 bearing less than such maximum rate, shall be such that the
12 interest cost of the money received from the sale of the bonds
13 shall not exceed such maximum rate, computed to absolute
14 maturity, according to standard tables of bond values.

15 Notwithstanding the form or tenor thereof, and in the
16 absence of expressed recitals on the face thereof that the
17 bonds are non-negotiable, all such bonds shall be negotiable
18 instruments.

19 To secure payment of any and all such bonds such ordinance
20 shall set forth the covenants and undertakings of the county
21 in connection with the issuance thereof, and the issuance of
22 additional bonds payable from the revenues or income to be
23 derived from the operation of the waterworks properties or
24 sewage facilities, or waste management facilities, as the case
25 may be, as well as the use and operation thereof, and for the
26 use and disposition for waterworks, and sewerage, and waste

1 management purposes of investment earnings on funds and
2 accounts created with respect to the revenue bonds.

3 In case any officer whose signature appears on the bond or
4 coupons attached thereto shall cease to be such officer before
5 the delivery of the bonds to the purchaser, such signature
6 shall nevertheless be valid and sufficient for all purposes to
7 the same effect as if he had remained in office until the
8 delivery of the bonds.

9 Under no circumstances shall any bonds issued or any other
10 obligation, except as set forth in Section 5-15003, incurred
11 pursuant to the provisions of this Division be or become an
12 indebtedness or an obligation of the county payable from taxes
13 and shall not in any event constitute an indebtedness of such
14 county within the meaning of the constitutional provisions or
15 limitations, and such fact shall be plainly stated on the face
16 of each bond.

17 (Source: P.A. 86-962; revised 7-30-24.)

18 (55 ILCS 5/5-31012) (from Ch. 34, par. 5-31012)

19 Sec. 5-31012. Powers of district. To the extent necessary
20 to carry out the purpose of this Division and in addition to
21 any other powers, duties, and functions vested in museum
22 districts by law, but subject to limitations and restrictions
23 imposed elsewhere by this Division or other law, a museum
24 district is authorized and empowered:

25 (a) To adopt bylaws, adopt and use a common seal,

1 enter into contracts, acquire and hold real and personal
2 property, and take such other actions as may be necessary
3 for the proper conduct of its affairs.

4 (b) To make and publish all ordinances, rules, and
5 regulations necessary for the management and protection of
6 its property and the conduct of its affairs.

7 (c) To study and ascertain the museum district
8 artifacts and other materials, the need for preserving
9 such resources and providing such facilities and the
10 extent to which such needs are currently being met, and to
11 prepare and adopt coordinated plans to meet such needs.

12 (d) To acquire by gift, devise, purchase, lease,
13 agreement, or otherwise the fee or any lessor right or
14 interest in real and personal property, and to hold the
15 same with public access for those who wish to examine or
16 study it. The museum district may accept the transfer of
17 any real or personal property owned or controlled by the
18 State of Illinois, the county board, or the governing body
19 of any municipality, district, or public corporation and
20 not devoted or dedicated to any other inconsistent public
21 use. In acquiring or accepting land or rights thereto, the
22 museum district shall give due consideration to its
23 historical value or county significance, and no real
24 property shall be acquired or accepted which in the
25 opinion of the museum district and the Illinois State
26 Museum is of low value as to its proposed use.

1 (e) To acquire any or all interest in real or personal
2 property by a contract for purchase providing for payment
3 in installments over a period not to exceed 10 years with
4 interest on the unpaid balance owing not to exceed an
5 amount calculated pursuant to the provisions of the Bond
6 Authorization Act ~~"An Act to authorize public corporations~~
7 ~~to issue bonds, other evidences of indebtedness and tax~~
8 ~~anticipation warrants subject to interest rate limitations~~
9 ~~set forth therein", approved May 26, 1970, as amended.~~ The
10 indebtedness incurred under this subsection when
11 aggregated with existing indebtedness may not exceed the
12 debt limits provided in Section 5-31016.

13 (f) To classify, designate, plan, develop, preserve,
14 administer, and maintain all areas and facilities in which
15 it has an interest and to construct, reconstruct, alter,
16 renew, equip, and maintain buildings and other structures.
17 Any work performed on any building, appurtenance,
18 structure, or area listed on the National Register of
19 Historic Places or deemed eligible for such listing shall
20 be performed within such guidelines as are established by
21 the Department of Natural Resources.

22 (g) To accept gifts, grants, bequests, contributions,
23 and appropriations of money and personal property for
24 museum district purposes.

25 (h) To employ and fix the compensation of an executive
26 officer who shall be responsible to the board for the

1 implementation of its policies. The executive officer
2 shall have the power, subject to the approval of the
3 board, to employ and fix the compensation of such
4 assistants and employees as the board may consider
5 necessary for the implementation of this Division.

6 (i) To charge and collect reasonable fees for the use
7 of such facilities, privileges, and conveniences as may be
8 provided.

9 (j) To police its property and to exercise police
10 powers in respect thereto or in respect to the enforcement
11 of any rule or regulation provided by its ordinances.

12 (k) To lease land for a period not longer than 50 years
13 to a responsible person, firm, or corporation for
14 construction, reconstruction, alteration, development,
15 operation, and maintenance of buildings, roads, and
16 parking areas. Any work performed on any leased building,
17 structure, appurtenances, or area which is listed on the
18 National Register of Historic Places or deemed eligible
19 for such listing shall be performed within such guidelines
20 as are established by the Department of Natural Resources.
21 Upon expiration of any lease of land under this
22 subsection, title to all structures on the leased land
23 shall be vested in the museum district.

24 (l) To lease any building or facility constructed,
25 reconstructed, altered, renewed, equipped, furnished,
26 extended, developed, and maintained by the museum district

1 to a responsible person, firm, or corporation for
2 operation or development or both, and maintenance for a
3 period not longer than 20 years. Development, maintenance,
4 or both of any building, structures, appurtenances, or
5 area which is listed on the National Register of Historic
6 Places or deemed eligible for such listing shall be
7 performed within such guidelines as are established by the
8 Department of Natural Resources.

9 (m) To make grants to not-for-profit historical clubs,
10 organizations, or groups within the county.

11 (Source: P.A. 100-695, eff. 8-3-18; revised 7-30-24.)

12 (55 ILCS 5/5-31016) (from Ch. 34, par. 5-31016)

13 Sec. 5-31016. Indebtedness. Whenever a museum district
14 does not have sufficient money in its treasury to meet all
15 necessary expenses and liabilities, it may issue tax
16 anticipation warrants. Such issue of tax anticipation warrants
17 shall be subject to the provisions of Section 2 of the Warrants
18 and Jurors Certificates Act ~~"An Act to provide for the manner~~
19 ~~of issuing warrants upon any county, township, or other~~
20 ~~municipal corporation or quasi municipal corporation, or of~~
21 ~~any farm drainage district, river district, drainage and levee~~
22 ~~district, fire protection district and jurors' certificates",~~
23 ~~approved June 27, 1913, as now or hereafter amended.~~

24 No museum district shall become indebted in any manner or
25 for any purpose in an amount, including existing indebtedness,

1 in the aggregate exceeding .25% of the value, as equalized or
2 assessed by the Department of Revenue, of the taxable property
3 within the museum district.

4 (Source: P.A. 86-962; revised 7-30-24.)

5 (55 ILCS 5/6-4002) (from Ch. 34, par. 6-4002)

6 Sec. 6-4002. Resolution. The resolution of the county
7 board authorizing the issuance of the general obligation bonds
8 shall prescribe all the details of the bonds and specify the
9 total amount of the bonds to be issued, the form and
10 denomination of the bonds, the date they are to bear, the place
11 they are payable, the date or dates of maturity, which shall
12 not be more than 30 years after the date of the bonds, the rate
13 of interest, which shall not exceed that authorized by the
14 Bond Authorization Act ~~"An Act to authorize public~~
15 ~~corporations to issue bonds, other evidences of indebtedness~~
16 ~~and tax anticipation warrants subject to interest rate~~
17 ~~limitations set forth therein", approved May 26, 1970, as~~
18 ~~amended~~, and the dates on which the interest is payable.

19 (Source: P.A. 86-962; revised 7-30-24.)

20 (55 ILCS 5/6-27004) (from Ch. 34, par. 6-27004)

21 Sec. 6-27004. Purposes for which fund may be used;
22 reimbursement. All moneys received from the issuance of bonds
23 as herein authorized, or from any tax levied pursuant to the
24 authority granted by this Division, shall be set apart in said

1 working cash fund by the county treasurer and shall be used
2 only for the purposes and in the manner hereinafter provided.
3 Such fund, and the moneys therein, shall not be regarded as
4 current assets available for appropriation and shall not be
5 appropriated by the county board in the resolution termed the
6 annual appropriations bill. The county board may appropriate
7 moneys to the working cash fund up to the maximum amount
8 allowable in the fund, and the working cash fund may receive
9 such appropriations and any other contributions. In order to
10 provide moneys with which to meet ordinary and necessary
11 disbursements for salaries and other corporate purposes, such
12 fund and the moneys therein may be transferred, in whole or in
13 part, to the general corporate fund of the county and so
14 disbursed therefrom (a) in anticipation of the collection of
15 any taxes lawfully levied for general corporate purposes, (b)
16 in anticipation of the receipt of moneys to be derived from
17 fees and commissions to be earned by the county clerk and the
18 county collector for extending and collecting taxes levied, or
19 (c) in the anticipation of such taxes, as by law now or
20 hereafter enacted or amended, imposed by the General Assembly
21 of the State of Illinois to replace revenue lost by units of
22 local government and school districts as a result of the
23 abolition of ad valorem personal property taxes, pursuant to
24 Article IX, Section 5(c) of the Constitution of the State of
25 Illinois. Moneys transferred to the general corporate fund in
26 anticipation of the collection of taxes shall be deemed to

1 have been transferred in anticipation of the collection of
2 that part of the taxes so levied which is in excess of the
3 amount or amounts thereof required to pay (a) any tax
4 anticipation warrants and the interest thereon, theretofore or
5 thereafter issued under the provisions of Sections 2 and 3 of
6 the Warrants and Jurors Certificates Act ~~Section two (2) and~~
7 ~~three (3) of "An Act to provide for the manner of issuing~~
8 ~~warrants upon the treasurer of the State or of any county,~~
9 ~~township, city, village or other municipal corporation and~~
10 ~~jurors' certificates", approved June 27, 1913, as amended, (b)~~
11 the aggregate amount of receipts from taxes imposed to replace
12 revenue lost by units of local government and school districts
13 as a result of the abolition of ad valorem personal property
14 taxes, pursuant to Article IX, Section 5(c) of the
15 Constitution of the State of Illinois, which the corporate
16 authorities estimate will be set aside for the payment of the
17 proportionate amount of debt service and pension or retirement
18 obligations, as required by Section 12 of the State Revenue
19 Sharing Act ~~"An Act in relation to State Revenue Sharing with~~
20 ~~local government entities", approved July 31, 1969, as~~
21 ~~amended,~~ and (c) any notes and the interest thereon,
22 theretofore or thereafter issued under the provisions of
23 Division 6-2, and such taxes levied for general corporate
24 purposes when collected shall be applied, first, to the
25 payment of any such warrant and the interest thereon, the
26 amount estimated to be required to satisfy debt service and

1 pension or retirement obligations as set forth in Section 12
2 of the State Revenue Sharing Act ~~"An Act in relation to State~~
3 ~~revenue sharing with local government entities", approved July~~
4 ~~31, 1969, as amended,~~ and to the payment of any such notes and
5 the interest thereon, and then to the reimbursement of said
6 working cash fund as hereinafter provided. Upon the receipt by
7 said county treasurer of any taxes, or other moneys, in
8 anticipation of the collection or receipt whereof moneys of
9 such working cash fund have been so transferred for
10 disbursement, such fund shall immediately be reimbursed
11 therefrom until the full amount so transferred has been
12 re-transferred to such fund. Unless the taxes and other moneys
13 so received and applied to the reimbursement of the working
14 cash fund, prior to the close of the fiscal year following the
15 fiscal year in which the last tax penalty date fall due shall
16 be sufficient to effect a complete reimbursement of such fund
17 for any moneys transferred therefrom in anticipation of the
18 collection or receipt of such taxes, or other moneys, such
19 working cash fund shall be reimbursed for the amount of the
20 deficiency therein from any other revenues accruing to said
21 general corporate fund, and it shall be the duty of the county
22 board to make provision for the immediate reimbursement of the
23 amount of any such deficiency in its next resolution termed
24 the annual appropriations bill.

25 (Source: P.A. 86-962; revised 7-30-24.)

1 Section 380. The Illinois Municipal Code is amended by
2 changing Sections 8-4.1-8, 10-4-2, 10-4-2.3, 11-19-1,
3 11-48.3-11, 11-61-3, 11-135-1, and 11-135-4 and by setting
4 forth, renumbering, and changing multiple versions of Section
5 11-13-28 as follows:

6 (65 ILCS 5/8-4.1-8) (from Ch. 24, par. 8-4.1-8)

7 Sec. 8-4.1-8. Bonds authorized by Applicable Law may be
8 issued in one or more series, bear such date or dates, become
9 due at such time or times within the period of years provided
10 by Applicable Law, bear interest payable at such intervals and
11 at such rate or rates as authorized under Section 2 of the Bond
12 Authorization Act ~~"An Act to authorize public corporations to~~
13 ~~issue bonds, other evidences of indebtedness and tax~~
14 ~~anticipation warrants subject to interest rate limitations set~~
15 ~~forth therein," approved May 26, 1970, as now or hereafter~~
16 ~~amended~~, which rates may be fixed or variable, be in such
17 denominations, be in such form, either coupon or registered or
18 book-entry, carry such conversion, registration, and exchange
19 privileges, be subject to defeasance upon such terms, have
20 such rank or priority, be executed in such manner, be payable
21 in such medium of payment at such place or places within or
22 without the State of Illinois, be subject to such terms of
23 redemption with or without premium, and be sold in such manner
24 at private or public sale and at such price as the corporate
25 authorities shall determine. Whenever such bonds are sold at a

1 price less than par, they shall be sold at such price and bear
2 interest at such rate or rates such that the net interest rate
3 received upon the sale of such Bonds does not exceed the
4 maximum rate determined under Section 2 of the Bond
5 Authorization Act ~~"An Act to authorize public corporations to~~
6 ~~issue bonds, other evidences of indebtedness and tax~~
7 ~~anticipation warrants subject to interest rate limitations set~~
8 ~~forth therein", approved May 26, 1970, as now or hereafter~~
9 ~~amended.~~

10 (Source: P.A. 85-158; revised 7-30-24.)

11 (65 ILCS 5/10-4-2)

12 (Text of Section before amendment by P.A. 103-808)

13 Sec. 10-4-2. Group insurance.

14 (a) The corporate authorities of any municipality may
15 arrange to provide, for the benefit of employees of the
16 municipality, group life, health, accident, hospital, and
17 medical insurance, or any one or any combination of those
18 types of insurance, and may arrange to provide that insurance
19 for the benefit of the spouses or dependents of those
20 employees. The insurance may include provision for employees
21 or other insured persons who rely on treatment by prayer or
22 spiritual means alone for healing in accordance with the
23 tenets and practice of a well recognized religious
24 denomination. The corporate authorities may provide for
25 payment by the municipality of a portion of the premium or

1 charge for the insurance with the employee paying the balance
2 of the premium or charge. If the corporate authorities
3 undertake a plan under which the municipality pays a portion
4 of the premium or charge, the corporate authorities shall
5 provide for withholding and deducting from the compensation of
6 those municipal employees who consent to join the plan the
7 balance of the premium or charge for the insurance.

8 (b) If the corporate authorities do not provide for a plan
9 under which the municipality pays a portion of the premium or
10 charge for a group insurance plan, the corporate authorities
11 may provide for withholding and deducting from the
12 compensation of those employees who consent thereto the
13 premium or charge for any group life, health, accident,
14 hospital, and medical insurance.

15 (c) The corporate authorities may exercise the powers
16 granted in this Section only if the kinds of group insurance
17 are obtained from an insurance company authorized to do
18 business in the State of Illinois, or are obtained through an
19 intergovernmental joint self-insurance pool as authorized
20 under the Intergovernmental Cooperation Act. The corporate
21 authorities may enact an ordinance prescribing the method of
22 operation of the insurance program.

23 (d) If a municipality, including a home rule municipality,
24 is a self-insurer for purposes of providing health insurance
25 coverage for its employees, the insurance coverage shall
26 include screening by low-dose mammography for all women 35

1 years of age or older for the presence of occult breast cancer
2 unless the municipality elects to provide mammograms itself
3 under Section 10-4-2.1. The coverage shall be as follows:

4 (1) A baseline mammogram for women 35 to 39 years of
5 age.

6 (2) An annual mammogram for women 40 years of age or
7 older.

8 (3) A mammogram at the age and intervals considered
9 medically necessary by the woman's health care provider
10 for women under 40 years of age and having a family history
11 of breast cancer, prior personal history of breast cancer,
12 positive genetic testing, or other risk factors.

13 (4) For a group policy of accident and health
14 insurance that is amended, delivered, issued, or renewed
15 on or after January 1, 2020 (the effective date of Public
16 Act 101-580) ~~this amendatory Act of the 101st General~~
17 ~~Assembly~~, a comprehensive ultrasound screening of an
18 entire breast or breasts if a mammogram demonstrates
19 heterogeneous or dense breast tissue or when medically
20 necessary as determined by a physician licensed to
21 practice medicine in all of its branches.

22 (5) For a group policy of accident and health
23 insurance that is amended, delivered, issued, or renewed
24 on or after January 1, 2020 (the effective date of Public
25 Act 101-580) ~~this amendatory Act of the 101st General~~
26 ~~Assembly~~, a diagnostic mammogram when medically necessary,

1 as determined by a physician licensed to practice medicine
2 in all its branches, advanced practice registered nurse,
3 or physician assistant.

4 A policy subject to this subsection shall not impose a
5 deductible, coinsurance, copayment, or any other cost-sharing
6 requirement on the coverage provided; except that this
7 sentence does not apply to coverage of diagnostic mammograms
8 to the extent such coverage would disqualify a high-deductible
9 health plan from eligibility for a health savings account
10 pursuant to Section 223 of the Internal Revenue Code (26
11 U.S.C. 223).

12 For purposes of this subsection:

13 "Diagnostic mammogram" means a mammogram obtained using
14 diagnostic mammography.

15 "Diagnostic mammography" means a method of screening that
16 is designed to evaluate an abnormality in a breast, including
17 an abnormality seen or suspected on a screening mammogram or a
18 subjective or objective abnormality otherwise detected in the
19 breast.

20 "Low-dose mammography" means the x-ray examination of the
21 breast using equipment dedicated specifically for mammography,
22 including the x-ray tube, filter, compression device, and
23 image receptor, with an average radiation exposure delivery of
24 less than one rad per breast for 2 views of an average size
25 breast. The term also includes digital mammography.

26 (d-5) Coverage as described by subsection (d) shall be

1 provided at no cost to the insured and shall not be applied to
2 an annual or lifetime maximum benefit.

3 (d-10) When health care services are available through
4 contracted providers and a person does not comply with plan
5 provisions specific to the use of contracted providers, the
6 requirements of subsection (d-5) are not applicable. When a
7 person does not comply with plan provisions specific to the
8 use of contracted providers, plan provisions specific to the
9 use of non-contracted providers must be applied without
10 distinction for coverage required by this Section and shall be
11 at least as favorable as for other radiological examinations
12 covered by the policy or contract.

13 (d-15) If a municipality, including a home rule
14 municipality, is a self-insurer for purposes of providing
15 health insurance coverage for its employees, the insurance
16 coverage shall include mastectomy coverage, which includes
17 coverage for prosthetic devices or reconstructive surgery
18 incident to the mastectomy. Coverage for breast reconstruction
19 in connection with a mastectomy shall include:

20 (1) reconstruction of the breast upon which the
21 mastectomy has been performed;

22 (2) surgery and reconstruction of the other breast to
23 produce a symmetrical appearance; and

24 (3) prostheses and treatment for physical
25 complications at all stages of mastectomy, including
26 lymphedemas.

1 Care shall be determined in consultation with the attending
2 physician and the patient. The offered coverage for prosthetic
3 devices and reconstructive surgery shall be subject to the
4 deductible and coinsurance conditions applied to the
5 mastectomy, and all other terms and conditions applicable to
6 other benefits. When a mastectomy is performed and there is no
7 evidence of malignancy then the offered coverage may be
8 limited to the provision of prosthetic devices and
9 reconstructive surgery to within 2 years after the date of the
10 mastectomy. As used in this Section, "mastectomy" means the
11 removal of all or part of the breast for medically necessary
12 reasons, as determined by a licensed physician.

13 A municipality, including a home rule municipality, that
14 is a self-insurer for purposes of providing health insurance
15 coverage for its employees, may not penalize or reduce or
16 limit the reimbursement of an attending provider or provide
17 incentives (monetary or otherwise) to an attending provider to
18 induce the provider to provide care to an insured in a manner
19 inconsistent with this Section.

20 (d-20) The requirement that mammograms be included in
21 health insurance coverage as provided in subsections (d)
22 through (d-15) is an exclusive power and function of the State
23 and is a denial and limitation under Article VII, Section 6,
24 subsection (h) of the Illinois Constitution of home rule
25 municipality powers. A home rule municipality to which
26 subsections (d) through (d-15) apply must comply with every

1 provision of those subsections.

2 (d-25) If a municipality, including a home rule
3 municipality, is a self-insurer for purposes of providing
4 health insurance coverage for its employees, the insurance
5 coverage shall include joint mental health therapy services
6 for any member of the municipality's police department or fire
7 department and any spouse or partner of the member who resides
8 with the member.

9 The joint mental health therapy services provided under
10 this subsection shall be performed by a physician licensed to
11 practice medicine in all of its branches, a licensed clinical
12 psychologist, a licensed clinical social worker, a licensed
13 clinical professional counselor, a licensed marriage and
14 family therapist, a licensed social worker, or a licensed
15 professional counselor.

16 This subsection is a limitation under subsection (i) of
17 Section 6 of Article VII of the Illinois Constitution on the
18 concurrent exercise by home rule units of powers and functions
19 exercised by the State.

20 (e) Rulemaking authority to implement Public Act 95-1045,
21 if any, is conditioned on the rules being adopted in
22 accordance with all provisions of the Illinois Administrative
23 Procedure Act and all rules and procedures of the Joint
24 Committee on Administrative Rules; any purported rule not so
25 adopted, for whatever reason, is unauthorized.

26 (Source: P.A. 103-818, eff. 1-1-25; revised 11-26-24.)

1 (Text of Section after amendment by P.A. 103-808)

2 Sec. 10-4-2. Group insurance.

3 (a) The corporate authorities of any municipality may
4 arrange to provide, for the benefit of employees of the
5 municipality, group life, health, accident, hospital, and
6 medical insurance, or any one or any combination of those
7 types of insurance, and may arrange to provide that insurance
8 for the benefit of the spouses or dependents of those
9 employees. The insurance may include provision for employees
10 or other insured persons who rely on treatment by prayer or
11 spiritual means alone for healing in accordance with the
12 tenets and practice of a well recognized religious
13 denomination. The corporate authorities may provide for
14 payment by the municipality of a portion of the premium or
15 charge for the insurance with the employee paying the balance
16 of the premium or charge. If the corporate authorities
17 undertake a plan under which the municipality pays a portion
18 of the premium or charge, the corporate authorities shall
19 provide for withholding and deducting from the compensation of
20 those municipal employees who consent to join the plan the
21 balance of the premium or charge for the insurance.

22 (b) If the corporate authorities do not provide for a plan
23 under which the municipality pays a portion of the premium or
24 charge for a group insurance plan, the corporate authorities
25 may provide for withholding and deducting from the

1 compensation of those employees who consent thereto the
2 premium or charge for any group life, health, accident,
3 hospital, and medical insurance.

4 (c) The corporate authorities may exercise the powers
5 granted in this Section only if the kinds of group insurance
6 are obtained from an insurance company authorized to do
7 business in the State of Illinois, or are obtained through an
8 intergovernmental joint self-insurance pool as authorized
9 under the Intergovernmental Cooperation Act. The corporate
10 authorities may enact an ordinance prescribing the method of
11 operation of the insurance program.

12 (d) If a municipality, including a home rule municipality,
13 is a self-insurer for purposes of providing health insurance
14 coverage for its employees, the insurance coverage shall
15 include screening by low-dose mammography for all patients 35
16 years of age or older for the presence of occult breast cancer
17 unless the municipality elects to provide mammograms itself
18 under Section 10-4-2.1. The coverage shall be as follows:

19 (1) A baseline mammogram for patients 35 to 39 years
20 of age.

21 (2) An annual mammogram for patients 40 years of age
22 or older.

23 (3) A mammogram at the age and intervals considered
24 medically necessary by the patient's health care provider
25 for patients under 40 years of age and having a family
26 history of breast cancer, prior personal history of breast

1 cancer, positive genetic testing, or other risk factors.

2 (4) For a group policy of accident and health
3 insurance that is amended, delivered, issued, or renewed
4 on or after January 1, 2020 (the effective date of Public
5 Act 101-580), a comprehensive ultrasound screening of an
6 entire breast or breasts if a mammogram demonstrates
7 heterogeneous or dense breast tissue or when medically
8 necessary as determined by a physician licensed to
9 practice medicine in all of its branches.

10 (4.5) For a group policy of accident and health
11 insurance that is amended, delivered, issued, or renewed
12 on or after January 1, 2026 (the effective date of Public
13 Act 103-808) ~~this amendatory Act of the 103rd General~~
14 ~~Assembly~~, molecular breast imaging (MBI) and magnetic
15 resonance imaging of an entire breast or breasts if a
16 mammogram demonstrates heterogeneous or dense breast
17 tissue or when medically necessary as determined by a
18 physician licensed to practice medicine in all of its
19 branches, advanced practice registered nurse, or physician
20 assistant.

21 (5) For a group policy of accident and health
22 insurance that is amended, delivered, issued, or renewed
23 on or after January 1, 2020~~7~~ (the effective date of Public
24 Act 101-580), a diagnostic mammogram when medically
25 necessary, as determined by a physician licensed to
26 practice medicine in all its branches, advanced practice

1 registered nurse, or physician assistant.

2 A policy subject to this subsection shall not impose a
3 deductible, coinsurance, copayment, or any other cost-sharing
4 requirement on the coverage provided; except that this
5 sentence does not apply to coverage of diagnostic mammograms
6 to the extent such coverage would disqualify a high-deductible
7 health plan from eligibility for a health savings account
8 pursuant to Section 223 of the Internal Revenue Code (26
9 U.S.C. 223).

10 For purposes of this subsection:

11 "Diagnostic mammogram" means a mammogram obtained using
12 diagnostic mammography.

13 "Diagnostic mammography" means a method of screening that
14 is designed to evaluate an abnormality in a breast, including
15 an abnormality seen or suspected on a screening mammogram or a
16 subjective or objective abnormality otherwise detected in the
17 breast.

18 "Low-dose mammography" means the x-ray examination of the
19 breast using equipment dedicated specifically for mammography,
20 including the x-ray tube, filter, compression device, and
21 image receptor, with an average radiation exposure delivery of
22 less than one rad per breast for 2 views of an average size
23 breast. The term also includes digital mammography.

24 (d-5) Coverage as described by subsection (d) shall be
25 provided at no cost to the insured and shall not be applied to
26 an annual or lifetime maximum benefit.

1 (d-10) When health care services are available through
2 contracted providers and a person does not comply with plan
3 provisions specific to the use of contracted providers, the
4 requirements of subsection (d-5) are not applicable. When a
5 person does not comply with plan provisions specific to the
6 use of contracted providers, plan provisions specific to the
7 use of non-contracted providers must be applied without
8 distinction for coverage required by this Section and shall be
9 at least as favorable as for other radiological examinations
10 covered by the policy or contract.

11 (d-15) If a municipality, including a home rule
12 municipality, is a self-insurer for purposes of providing
13 health insurance coverage for its employees, the insurance
14 coverage shall include mastectomy coverage, which includes
15 coverage for prosthetic devices or reconstructive surgery
16 incident to the mastectomy. Coverage for breast reconstruction
17 in connection with a mastectomy shall include:

18 (1) reconstruction of the breast upon which the
19 mastectomy has been performed;

20 (2) surgery and reconstruction of the other breast to
21 produce a symmetrical appearance; and

22 (3) prostheses and treatment for physical
23 complications at all stages of mastectomy, including
24 lymphedemas.

25 Care shall be determined in consultation with the attending
26 physician and the patient. The offered coverage for prosthetic

1 devices and reconstructive surgery shall be subject to the
2 deductible and coinsurance conditions applied to the
3 mastectomy, and all other terms and conditions applicable to
4 other benefits. When a mastectomy is performed and there is no
5 evidence of malignancy then the offered coverage may be
6 limited to the provision of prosthetic devices and
7 reconstructive surgery to within 2 years after the date of the
8 mastectomy. As used in this Section, "mastectomy" means the
9 removal of all or part of the breast for medically necessary
10 reasons, as determined by a licensed physician.

11 A municipality, including a home rule municipality, that
12 is a self-insurer for purposes of providing health insurance
13 coverage for its employees, may not penalize or reduce or
14 limit the reimbursement of an attending provider or provide
15 incentives (monetary or otherwise) to an attending provider to
16 induce the provider to provide care to an insured in a manner
17 inconsistent with this Section.

18 (d-20) The requirement that mammograms be included in
19 health insurance coverage as provided in subsections (d)
20 through (d-15) is an exclusive power and function of the State
21 and is a denial and limitation under Article VII, Section 6,
22 subsection (h) of the Illinois Constitution of home rule
23 municipality powers. A home rule municipality to which
24 subsections (d) through (d-15) apply must comply with every
25 provision of those subsections.

26 (d-25) If a municipality, including a home rule

1 municipality, is a self-insurer for purposes of providing
2 health insurance coverage for its employees, the insurance
3 coverage shall include joint mental health therapy services
4 for any member of the municipality's police department or fire
5 department and any spouse or partner of the member who resides
6 with the member.

7 The joint mental health therapy services provided under
8 this subsection shall be performed by a physician licensed to
9 practice medicine in all of its branches, a licensed clinical
10 psychologist, a licensed clinical social worker, a licensed
11 clinical professional counselor, a licensed marriage and
12 family therapist, a licensed social worker, or a licensed
13 professional counselor.

14 This subsection is a limitation under subsection (i) of
15 Section 6 of Article VII of the Illinois Constitution on the
16 concurrent exercise by home rule units of powers and functions
17 exercised by the State.

18 (e) Rulemaking authority to implement Public Act 95-1045,
19 if any, is conditioned on the rules being adopted in
20 accordance with all provisions of the Illinois Administrative
21 Procedure Act and all rules and procedures of the Joint
22 Committee on Administrative Rules; any purported rule not so
23 adopted, for whatever reason, is unauthorized.

24 (Source: P.A. 103-808, eff. 1-1-26; 103-818, eff. 1-1-25;
25 revised 11-26-24.)

1 (65 ILCS 5/10-4-2.3)

2 Sec. 10-4-2.3. Required health benefits. If a
3 municipality, including a home rule municipality, is a
4 self-insurer for purposes of providing health insurance
5 coverage for its employees, the coverage shall include
6 coverage for the post-mastectomy care benefits required to be
7 covered by a policy of accident and health insurance under
8 Section 356t and the coverage required under Sections 356g,
9 356g.5, 356g.5-1, 356m, 356q, 356u, 356u.10, 356w, 356x,
10 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,
11 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
12 356z.29, 356z.30, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,
13 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,
14 356z.56, 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64,
15 356z.67, 356z.68, ~~and~~ 356z.70, ~~and~~ 356z.71, 356z.74, and
16 356z.77 of the Illinois Insurance Code. The coverage shall
17 comply with Sections 155.22a, 355b, 356z.19, and 370c of the
18 Illinois Insurance Code. The Department of Insurance shall
19 enforce the requirements of this Section. The requirement that
20 health benefits be covered as provided in this is an exclusive
21 power and function of the State and is a denial and limitation
22 under Article VII, Section 6, subsection (h) of the Illinois
23 Constitution. A home rule municipality to which this Section
24 applies must comply with every provision of this Section.

25 Rulemaking authority to implement Public Act 95-1045, if
26 any, is conditioned on the rules being adopted in accordance

1 with all provisions of the Illinois Administrative Procedure
2 Act and all rules and procedures of the Joint Committee on
3 Administrative Rules; any purported rule not so adopted, for
4 whatever reason, is unauthorized.

5 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
6 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
7 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,
8 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;
9 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.
10 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,
11 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;
12 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; 103-605, eff.
13 7-1-24; 103-718, eff. 7-19-24; 103-751, eff. 8-2-24; 103-914,
14 eff. 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25;
15 revised 11-26-24.)

16 (65 ILCS 5/11-13-28)

17 Sec. 11-13-28. Building permit fee for veterans with a
18 disability.

19 (a) A veteran with a disability or the veteran's caregiver
20 shall not be charged any building permit fee for improvements
21 to the residence of the veteran with a disability if the
22 improvements are required to accommodate a disability of the
23 veteran. Nothing in this subsection changes the obligation of
24 any person to submit to the municipality applications, forms,
25 or other paperwork to obtain a building permit. A veteran or

1 caregiver must provide proof of veteran status and attest to
2 the fact that the improvements to the residence are required
3 to accommodate the veteran's disability. Proof of veteran
4 status is to be construed liberally, and veteran status shall
5 include service in the Armed Forces of the United States,
6 National Guard, or the reserves of the Armed Forces of the
7 United States.

8 (b) What constitutes proof of veteran status shall be
9 determined by the municipality. The Illinois Department of
10 Veterans' Affairs may not adjudicate any dispute arising under
11 subsection ~~paragraph~~ (a).

12 (c) A home rule municipality may not regulate building
13 permit fees in a manner inconsistent with this Section. This
14 Section is a limitation under subsection (i) of Section 6 of
15 Article VII of the Illinois Constitution on the concurrent
16 exercise by home rule units of powers and functions exercised
17 by the State.

18 (Source: P.A. 103-621, eff. 1-1-25; revised 11-26-24.)

19 (65 ILCS 5/11-13-29)

20 Sec. 11-13-29 ~~11-13-28~~. Battery-charged fences.

21 (a) As used in this Section, "battery-charged fence" means
22 a fence energized by a battery that is not more than 12 volts
23 of direct current that interfaces with an alarm system in a
24 manner that enables the fence to cause the connected alarm
25 system to transmit a signal intended to notify law enforcement

1 of a potential intrusion.

2 (b) Notwithstanding any other law, a municipality may not
3 require a permit or other approval for the installation,
4 maintenance, placement, replacement, or servicing of a
5 battery-charged fence if (i) the battery-charged fence is
6 located on nonresidential property completely surrounded by a
7 nonelectric perimeter fence or wall that is not less than 5
8 feet in height and does not exceed 10 feet in height or 2 feet
9 higher than the nonelectric perimeter fence or wall, whichever
10 is higher, and (ii) any electrical charge produced on contact
11 does not exceed energizer characteristics set for electric
12 fences by the International Electrotechnical Commission.

13 (c) Any battery-charged fence installed under this Section
14 must have conspicuous signs located on the fence placed not
15 less than 30 feet apart that read: "WARNING: ELECTRIC FENCE".

16 (d) A home rule municipality may not regulate
17 battery-charged fencing in a manner inconsistent with this
18 Section. This Section is a limitation under subsection (i) of
19 Section 6 of Article VII of the Illinois Constitution on the
20 concurrent exercise by home rule units of powers and functions
21 exercised by the State.

22 (Source: P.A. 103-796, eff. 1-1-25; revised 12-3-24.)

23 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

24 Sec. 11-19-1. Contracts.

25 (a) Any city, village, or incorporated town may make

1 contracts with any other city, village, or incorporated town
2 or with any person, corporation, or county, or any agency
3 created by intergovernmental agreement, for more than one year
4 and not exceeding 30 years relating to the collection and
5 final disposition, or relating solely to either the collection
6 or final disposition of garbage, refuse and ashes. A
7 municipality may contract with private industry to operate a
8 designated facility for the disposal, treatment, or recycling
9 of solid waste, and may enter into contracts with private
10 firms or local governments for the delivery of waste to such
11 facility. In regard to a contract involving a garbage, refuse,
12 or garbage and refuse incineration facility, the 30-year ~~30~~
13 ~~year~~ contract limitation imposed by this Section shall be
14 computed so that the 30 years shall not begin to run until the
15 date on which the facility actually begins accepting garbage
16 or refuse. The payments required in regard to any contract
17 entered into under this Division 19 shall not be regarded as
18 indebtedness of the city, village, or incorporated town, as
19 the case may be, for the purpose of any debt limitation imposed
20 by any law. On and after January 1, 2018 (the effective date of
21 Public Act 100-316) ~~this amendatory Act of the 100th General~~
22 ~~Assembly,~~ a municipality with a population of less than
23 1,000,000 shall not enter into any new contracts with any
24 other unit of local government, by intergovernmental agreement
25 or otherwise, or with any corporation or person relating to
26 the collecting and final disposition of general construction

1 or demolition debris; except that this sentence does not apply
2 to a municipality with a population of less than 1,000,000
3 that is a party to: (1) a contract relating to the collecting
4 and final disposition of general construction or demolition
5 debris on January 1, 2018 (the effective date of Public Act
6 100-316) ~~this amendatory Act of the 100th General Assembly~~; or
7 (2) the renewal or extension of a contract relating to the
8 collecting and final disposition of general construction or
9 demolition debris irrespective of whether the contract
10 automatically renews, is amended, or is subject to a new
11 request for proposal after January 1, 2018 (the effective date
12 of Public Act 100-316) ~~this amendatory Act of the 100th~~
13 ~~General Assembly~~.

14 (a-5) If a municipality with a population of less than
15 1,000,000 located in a county as defined in the Solid Waste and
16 Recycling Program Act has never awarded a franchise to a
17 private entity for the collection of waste from
18 non-residential locations, then the municipality may not award
19 a franchise unless:

20 (1) the municipality provides prior written notice to
21 all haulers licensed to provide waste hauling service in
22 that municipality of the municipality's intent to issue a
23 request for proposal under this Section;

24 (2) the municipality adopts an ordinance requiring
25 each licensed hauler, for a period of no less than 36
26 continuous months commencing on the first day of the month

1 following the effective date of such ordinance, to report
2 every 6 months to the municipality the number of
3 non-residential locations served by the hauler in the
4 municipality and the number of non-residential locations
5 contracting with the hauler for the recyclable materials
6 collection service pursuant to Section 10 of the Solid
7 Waste Hauling and Recycling Program Act; and

8 (3) the report to the municipality required under
9 paragraph (2) of this subsection (a-5) for the final 6
10 months of that 36-month period establishes that less than
11 50% of the non-residential locations in the municipality
12 contract for recyclable material collection services
13 pursuant to Section 10 of the Solid Waste Hauling and
14 Recycling Program Act.

15 All such reports shall be filed with the municipality by
16 the hauler on or before the last day of the month following the
17 end of the 6-month reporting period. Within 15 days after the
18 last day for licensed haulers to file such reports, the
19 municipality shall post on its website: (i) the information
20 provided by each hauler pursuant to paragraph (2) of this
21 subsection (a-5), without identifying the hauler; and (ii) the
22 aggregate number of non-residential locations served by all
23 licensed haulers in the municipality and the aggregate number
24 of non-residential locations contracting with all licensed
25 haulers in the municipality for the recyclable materials
26 collection service under Section 10 of the Solid Waste Hauling

1 and Recycling Program Act.

2 (a-10) Beginning at the conclusion of the 36-month
3 reporting period and thereafter, and upon written request of
4 the municipality, each licensed hauler shall, for every
5 6-month period, report to the municipality (i) the number of
6 non-residential locations served by the hauler in the
7 municipality and the number of non-residential locations
8 contracting with the hauler for the recyclable materials
9 collection service pursuant to Section 10 of the Solid Waste
10 Hauling and Recycling Program Act, (ii) an estimate of the
11 quantity of recyclable materials, in tons, collected by the
12 hauler in the municipality from non-residential locations
13 contracting with the hauler for recyclable materials
14 collection service pursuant to Section 10 of the Solid Waste
15 Hauling and Recycling Program Act, and (iii) an estimate of
16 the quantity of municipal waste, in tons, collected by the
17 hauler in the municipality from those non-residential
18 locations. All reports for that 6-month period shall be filed
19 with the municipality by the hauler on or before the last day
20 of the month following the end of the 6-month reporting
21 period. Within 15 days after the last day for licensed haulers
22 to file such reports, the municipality shall post on its
23 website: (i) the information provided by each hauler pursuant
24 to this subsection (a-10), without identifying the hauler; and
25 (ii) the aggregate number of non-residential locations served
26 by all licensed haulers in the municipality and the aggregate

1 number of non-residential locations contracting with all
2 licensed haulers in the municipality for the recyclable
3 materials collection service under Section 10 of the Solid
4 Waste Hauling and Recycling Program Act.

5 A municipality subject to subsection (a-5) of this Section
6 may not award a franchise unless 2 consecutive 6-month reports
7 determine that less than 50% of the non-residential locations
8 within the municipality contract for recyclable material
9 collection service pursuant to Section 10 of the Solid Waste
10 Hauling and Recycling Program Act.

11 (b) If a municipality with a population of less than
12 1,000,000 has never awarded a franchise to a private entity
13 for the collection of waste from non-residential locations,
14 then that municipality may not award such a franchise without
15 issuing a request for proposal. The municipality may not issue
16 a request for proposal without first: (i) holding at least one
17 public hearing seeking comment on the advisability of issuing
18 a request for proposal and awarding a franchise; (ii)
19 providing at least 30 days' written notice of the hearing,
20 delivered by first class mail to all private entities that
21 provide non-residential waste collection services within the
22 municipality that the municipality is able to identify through
23 its records; and (iii) providing at least 30 days' public
24 notice of the hearing.

25 After issuing a request for proposal, the municipality may
26 not award a franchise without first: (i) allowing at least 30

1 days for proposals to be submitted to the municipality; (ii)
2 holding at least one public hearing after the receipt of
3 proposals on whether to award a franchise to a proposed
4 franchisee; and (iii) providing at least 30 days' public
5 notice of the hearing. At the public hearing, the municipality
6 must disclose and discuss the proposed franchise fee or
7 calculation formula of such franchise fee that it will receive
8 under the proposed franchise.

9 (b-5) If no request for proposal is issued within 120 days
10 after the initial public hearing required in subsection (b),
11 then the municipality must hold another hearing as outlined in
12 subsection (b).

13 (b-10) If a municipality has not awarded a franchise
14 within 210 days after the date that a request for proposal is
15 issued pursuant to subsection (b), then the municipality must
16 adhere to all of the requirements set forth in subsections (b)
17 and (b-5).

18 (b-15) The franchise fee and any other fees, taxes, or
19 charges imposed by the municipality in connection with a
20 franchise for the collection of waste from non-residential
21 locations must be used exclusively for costs associated with
22 administering the franchise program.

23 (c) If a municipality with a population of less than
24 1,000,000 has never awarded a franchise to a private entity
25 for the collection of waste from non-residential locations,
26 then a private entity may not begin providing waste collection

1 services to non-residential locations under a franchise
2 agreement with that municipality at any time before the date
3 that is 15 months after the date the ordinance or resolution
4 approving the award of the franchise is adopted.

5 (d) For purposes of this Section, "waste" means garbage,
6 refuse, or ashes as defined in Section 11-19-2.

7 (e) A home rule unit may not award a franchise to a private
8 entity for the collection of waste in a manner contrary to the
9 provisions of this Section. This Section is a limitation under
10 subsection (i) of Section 6 of Article VII of the Illinois
11 Constitution on the concurrent exercise by home rule units of
12 powers and functions exercised by the State.

13 (f) A municipality with a population of less than
14 1,000,000 shall not award a franchise or contract to any
15 private entity for the collection of general construction or
16 demolition debris from residential or non-residential
17 locations. This subsection does not apply to a municipality
18 with a population of less than 1,000,000 that is a party to:

19 (1) a franchise or contract with a private entity for the
20 collection of general construction or demolition debris from
21 residential or non-residential locations on January 1, 2018
22 (the effective date of Public Act 100-316) ~~this amendatory Act~~
23 ~~of the 100th General Assembly;~~ or (2) the renewal or extension
24 of a franchise or contract with a private entity for the
25 collection of general construction or demolition debris from
26 residential or non-residential locations irrespective of

1 whether the franchise or contract automatically renews, is
2 amended, or is subject to a new request for proposal after
3 January 1, 2018 (the effective date of Public Act 100-316)
4 ~~this amendatory Act of the 100th General Assembly.~~

5 (Source: P.A. 100-316, eff. 1-1-18; revised 10-22-24.)

6 (65 ILCS 5/11-48.3-11) (from Ch. 24, par. 11-48.3-11)

7 Sec. 11-48.3-11. The Authority shall have continuing power
8 to borrow money for the purpose of carrying out and performing
9 its duties and exercising its powers under this Division.

10 For the purpose of evidencing the obligation of the
11 Authority to repay any money borrowed as aforesaid, the
12 Authority may, pursuant to ordinance adopted by the Board,
13 from time to time issue and dispose of its interest bearing
14 revenue bonds, and may also from time to time issue and dispose
15 of its interest bearing revenue bonds to refund any bonds at
16 maturity or pursuant to redemption provisions or at any time
17 before maturity with the consent of the holders thereof. All
18 such bonds shall be payable solely from the revenues or income
19 to be derived from the exhibitions, rentals, and leases and
20 other authorized activities operated by it, and from funds, if
21 any, received and to be received by the Authority from any
22 other source. Such bonds may bear such date or dates, may
23 mature at such time or times not exceeding 40 years from their
24 respective dates, may bear interest at such rate or rates, not
25 exceeding the maximum rate permitted by the Bond Authorization

1 Act ~~"An Act to authorize public corporations to issue bonds,~~
2 ~~other evidences of indebtedness and tax anticipation warrants~~
3 ~~subject to interest rate limitations set forth therein",~~
4 ~~approved May 26, 1970, as now or hereafter amended,~~ may be in
5 such form, may carry such registration privileges, may be
6 executed in such manner, may be payable at such place or
7 places, may be made subject to redemption in such manner and
8 upon such terms, with or without premium as is stated on the
9 face thereof, may be executed in such manner and may contain
10 such terms and covenants, all as may be provided in the
11 ordinance. In case any officer whose signature appears on any
12 bond ceases (after attaching his or her signature) to hold
13 office, his or her signature shall nevertheless be valid and
14 effective for all purposes. The holder or holders of any bonds
15 or interest coupons appertaining thereto issued by the
16 Authority may bring mandamus, injunction, civil actions, and
17 proceedings to compel the performance and observance by the
18 Authority or any of its officers, agents, or employees of any
19 contract or covenant made by the Authority with the holders of
20 such bonds or interest coupons and to compel the Authority and
21 any of its officers, agents, or employees to perform any
22 duties required to be performed for the benefit of the holders
23 of any such bonds or interest coupons by the provisions of the
24 ordinance authorizing their issuance, or to enjoin the
25 Authority and any of its officers, agents, or employees from
26 taking any action in conflict with any such contract or

1 covenant.

2 Notwithstanding the form and tenor of any such bonds and
3 in the absence of any express recital on the face thereof that
4 it is non-negotiable, all such bonds shall be negotiable
5 instruments under the Uniform Commercial Code.

6 From and after the issuance of any bonds as herein
7 provided, it shall be the duty of the corporate authorities of
8 the Authority to fix and establish rates, charges, rents, and
9 fees for the use of facilities acquired, constructed,
10 reconstructed, extended, or improved with the proceeds of the
11 sale of said bonds sufficient at all times, with other
12 revenues of the Authority, to pay:

13 (a) The cost of maintaining, repairing, regulating,
14 and operating the said facilities; and

15 (b) The bonds and interest thereon as they shall
16 become due, and all sinking fund requirements and other
17 requirements provided by the ordinance authorizing the
18 issuance of the bonds or as provided by any trust
19 agreement executed to secure payment thereof.

20 To secure the payment of any or all of such bonds and for
21 the purpose of setting forth the covenants and undertakings of
22 the Authority in connection with the issuance thereof and the
23 issuance of any additional bonds payable from such revenue
24 income to be derived from the exhibitions, office rentals, air
25 space leases and rentals, and other revenue, if any, the
26 Authority may execute and deliver a trust agreement or

1 agreements; provided that no lien upon any physical property
2 of the Authority shall be created thereby.

3 A remedy for any breach or default of the terms of any such
4 trust agreement by the Authority may be by mandamus,
5 injunction, civil action, and proceedings in any court of
6 competent jurisdiction to compel performance and compliance
7 therewith, but the trust agreement may prescribe by whom or on
8 whose behalf such action may be instituted.

9 Before any such bonds (excepting refunding bonds) are
10 sold, the entire authorized issue, or any part thereof, shall
11 be offered for sale as a unit after advertising for bids at
12 least 3 times in a daily newspaper of general circulation
13 published in the metropolitan area, the last publication to be
14 at least 10 days before bids are required to be filed. Copies
15 of such advertisement may be published in any newspaper or
16 financial publication in the United States. All bids shall be
17 sealed, filed, and opened as provided by ordinance and the
18 bonds shall be awarded to the highest and best bidder or
19 bidders therefor. The Authority shall have the right to reject
20 all bids and readvertise for bids in the manner provided for in
21 the initial advertisement. If no bids are received, however,
22 such bonds may be sold at not less than par value, without
23 further advertising, within 60 days after the bids are
24 required to be filed pursuant to any advertisement.

25 (Source: P.A. 86-279; revised 7-31-24.)

1 (65 ILCS 5/11-61-3) (from Ch. 24, par. 11-61-3)

2 Sec. 11-61-3. The corporate authorities of each
3 municipality having a population of less than 1,000,000
4 inhabitants shall have the express power to purchase or lease
5 either real estate or personal property for public purposes
6 through contracts which provide for the consideration for such
7 purchase or lease to be paid through installments to be made at
8 stated intervals during a certain period of time, but, in no
9 case, shall such contracts provide for the consideration to be
10 paid during a period of time in excess of 20 years nor shall
11 such contracts provide for the payment of interest at a rate of
12 more than that permitted in the Bond Authorization Act ~~"An Act~~
13 ~~to authorize public corporations to issue bonds, other~~
14 ~~evidences of indebtedness and tax anticipation warrants~~
15 ~~subject to interest rate limitations set forth therein",~~
16 ~~approved May 26, 1970, as amended.~~ The indebtedness incurred
17 under this Section when aggregated with existing indebtedness
18 may not exceed the debt limits provided in Division 5 of
19 Article 8 of this Code.

20 The amendatory Acts of 1972 and 1973 are not a limit upon
21 any municipality which is a home rule unit.

22 (Source: P.A. 91-493, eff. 8-13-99; revised 7-31-24.)

23 (65 ILCS 5/11-135-1) (from Ch. 24, par. 11-135-1)

24 Sec. 11-135-1. Any 2 or more municipalities, except cities
25 of 500,000 or more inhabitants, may acquire either by purchase

1 or construction a waterworks system or a common source of
2 supply of water, or both, and may operate jointly a waterworks
3 system or a common source of supply of water, or both, and
4 improve and extend the same, as provided in this Division 135.
5 The corporate authorities of the specified municipalities
6 desiring to avail themselves of the provisions of this
7 Division 135 shall adopt a resolution or ordinance determining
8 and electing to acquire and operate jointly a waterworks
9 system or a common source of supply of water, or both, as the
10 case may be. Such resolution or ordinance may be rescinded at
11 any time prior to the issuance and sale of revenue bonds and
12 after the rescinding municipality has no outstanding
13 obligation to pay a proportionate share of the costs of
14 development, construction, or operation.

15 Any municipality adopting a resolution or ordinance to
16 acquire and operate jointly a waterworks system or a common
17 source of supply of water, or both, as the case may be, under
18 the provisions of this Division 135, is authorized from time
19 to time to pay, to advance, or to obligate itself to the
20 Commission, to bear a proportionate share of the development
21 costs of any project proposed by the Commission, including
22 plans, feasibility reports, and engineering, even though the
23 project is never constructed or water is never supplied by the
24 Commission to such municipality.

25 Whenever any municipality determines to pay, to advance,
26 or to obligate itself for its proportionate share of

1 development costs as above provided, it shall adopt an
2 ordinance declaring its intention to do so, fix the maximum
3 amount of its share of the cost it proposes to pay, to advance,
4 or to obligate itself for, and the period over which it
5 proposes to pay its obligation (not exceeding 5 years) and the
6 maximum amount to be paid annually, if such obligation is to be
7 paid in installments. The time of payment of any such
8 installment obligation may be extended for a period of not
9 exceeding five years from the final maturity date of the
10 original obligation.

11 From and after such ordinance becomes effective, it shall
12 be the duty of the municipality to include an amount
13 sufficient to pay the annual installments of its obligation
14 each year in the next succeeding appropriation ordinances. No
15 prior appropriation shall be required for a municipality to
16 authorize the payments, advances, or obligations herein
17 provided for.

18 Whenever any municipality has obligated itself for
19 development costs as herein provided and after the effective
20 date of the ordinance under which it obligated itself for a
21 specific amount for development costs of a project and after
22 approval of such obligation by the Commission, the Commission
23 is authorized to borrow funds temporarily for payment of such
24 development costs in advance of permanent financing. The
25 Commission may from time to time and pursuant to an
26 appropriate resolution borrow money and issue its interim

1 notes to evidence borrowings for such purpose, including all
2 necessary and incidental expenses in connection therewith.

3 Any resolution authorizing the issuance of such notes
4 shall describe the project and the development costs to be
5 undertaken, specify the principal amount, rate of interest as
6 authorized under Section 2 of the Bond Authorization Act ~~"An~~
7 ~~Act to authorize public corporations to issue bonds, other~~
8 ~~evidences of indebtedness and tax anticipation warrants~~
9 ~~subject to interest rate limitations set forth therein",~~
10 ~~approved May 26, 1970, as now or hereafter amended,~~ and the
11 maturity date which shall coincide with the due date of the
12 obligations or the installments thereof incurred by the
13 respective municipalities pursuant to this Section not,
14 however, to exceed 5 years from date.

15 Contemporaneously with the issuance as provided by this
16 Division of revenue bonds, all outstanding interim notes
17 issued for development costs of a project though they have not
18 then matured shall be paid, both principal and interest to
19 date of payment, from funds derived from the sale of revenue
20 bonds for the permanent financing of any such project for
21 which interim notes may have been issued and such interim
22 notes shall be surrendered and cancelled.

23 Any municipality adopting a resolution or ordinance to
24 acquire and operate jointly a waterworks system or a common
25 source of supply of water, or both, as the case may be, under
26 the provisions of this Division 135 is further authorized from

1 time to time, to pay, to advance, or to obligate itself to the
2 Commission to bear a proportionate share of the construction
3 and operating costs of any project proposed by the Commission.

4 Whenever a municipality determines to pay, to advance, or
5 to obligate itself for its proportionate share of construction
6 or operating costs as above provided, it shall adopt an
7 ordinance declaring its intention to do so, fix the maximum
8 amount of its share of the cost it proposes to pay, to advance,
9 or to obligate itself for, and the period over which it
10 proposes to pay its obligation and the maximum amount to be
11 paid annually, if such obligation is to be paid in
12 installments. From and after such ordinance becomes effective,
13 it shall be the duty of the municipality to include an amount
14 sufficient to pay the annual installments of its obligation
15 each year in the next succeeding appropriation ordinances. No
16 prior appropriation shall be required for a municipality to
17 authorize the payments, advances, or obligations herein
18 provided for.

19 Whenever any municipality has paid, advanced, or obligated
20 itself for development, construction, or operating costs as
21 herein provided, the Commission is authorized to contract with
22 such municipality, on such terms as may be agreed, for the
23 repayment to such municipality by the Commission of any
24 payment or advance made by such municipality to the Commission
25 to charge, in addition to all other charges and rates
26 authorized under the provisions of this Division, such rates

1 and charges for water sold by the Commission as shall be
2 necessary to provide for such repayment. In addition, any
3 payment or advance of such costs made by a municipality
4 pursuant to this Section may be repaid by the Commission to the
5 municipality from the proceeds of revenue bonds authorized to
6 be issued by the Commission pursuant to this Division 135.

7 (Source: P.A. 82-783; revised 7-31-24.)

8 (65 ILCS 5/11-135-4) (from Ch. 24, par. 11-135-4)

9 Sec. 11-135-4. A commission may from time to time issue
10 its revenue bonds in such principal amounts as the commission
11 shall deem necessary to provide sufficient funds to carry out
12 any of its corporate purposes and powers, including, without
13 limitation, developing, acquiring, constructing, extending, or
14 improving a waterworks system or common source of supply of
15 water, or any combination thereof, the funding or refunding of
16 the principal of, redemption premium, if any, and interest on,
17 any bonds issued by it whether or not such bonds or interest to
18 be funded or refunded have or have not become due, the payment
19 of engineering, legal, and other expenses, together with
20 interest to a date one year subsequent to the estimated date of
21 completion of the project, the establishment or increase of
22 reserves to secure or to pay such bonds and interest thereon,
23 the providing of working capital, and the payment of all other
24 costs or expenses of the commission incident to and necessary
25 or convenient to carry out its corporate purposes and powers.

1 These bonds shall have all the qualities of negotiable
2 instruments under the laws of this State and shall not
3 constitute indebtedness of any of the municipalities
4 constituting the commission.

5 Every issue of bonds of such commission shall be payable
6 out of the revenues to be derived pursuant to contracts with
7 the specified municipalities and participating water
8 commissions or by virtue of the operation of any properties
9 acquired or to be acquired or constructed. A commission may
10 issue such types of bonds as it may determine, including bonds
11 as to which the principal and interest are payable exclusively
12 from the revenues from one or more projects, or from an
13 interest therein or a right to the products and services
14 thereof, or from one or more revenue producing contracts made
15 by the commission, or its revenues generally. Any such bonds
16 may be additionally secured by a pledge of any grant, subsidy,
17 or contribution from the United States, the State of Illinois,
18 or any unit of local government, or any combination thereof.

19 Before the treasurer of the commission is entitled to
20 receive the proceeds of the sale of such a bond issue, he shall
21 supply a corporate surety bond in an amount equivalent to the
22 amount of funds to be derived from the sale of the bonds, and,
23 in addition thereto, he shall supply a separate corporate
24 surety bond for the faithful accounting of any funds that may
25 come into his possession in an amount equal to the amount of
26 funds likely to come into his hands in any one year from the

1 revenue to be derived from the operation of any of the
2 properties of the commission. The cost of these surety bonds
3 shall be paid by the commission.

4 The revenue bonds shall be issued pursuant to an ordinance
5 or resolution, ~~and~~ may be issued in one or more series, and
6 shall bear such date or dates, mature at such time or times
7 within the estimated period of usefulness of the project
8 involved and in any event not more than 50 years from the date
9 thereof, bear interest at such rate or rates as authorized
10 under Section 2 of the Bond Authorization Act ~~"An Act to~~
11 ~~authorize public corporations to issue bonds, other evidences~~
12 ~~of indebtedness and tax anticipation warrants subject to~~
13 ~~interest rate limitations set forth therein", approved May 26,~~
14 ~~1970, as now or hereafter amended,~~ which rates may be fixed or
15 variable, be in such denominations, be in such form, either
16 coupon or registered, carry such conversion, registration, and
17 exchange privileges, have such rank or priority, be executed
18 in such manner, be payable in such medium of payment at such
19 place or places within or without the State of Illinois, be
20 subject to such terms of redemption with or without premium,
21 and contain or be subject to such other terms as the ordinance
22 or resolution may provide, and shall not be restricted by the
23 provisions of any other law limiting the amounts, maturities,
24 interest rates, or other terms of obligations of public
25 agencies or private persons. The bonds shall be sold in such
26 manner as the commission shall determine, at private or public

1 sale. It shall not be necessary that the ordinance or
2 resolution refer to plans and specifications nor that there be
3 on file for public inspection prior to the adoption of such
4 ordinance detailed plans and specifications of the project.
5 This ordinance or resolution may contain such covenants and
6 restrictions in relation to the operation of the properties
7 under the control of the commission and the issuance of
8 additional revenue bonds thereafter as may be deemed necessary
9 or advisable for the assurance of payment of the bonds thereby
10 authorized and as may be thereafter issued. It shall be
11 plainly stated on the face of each bond that it does not
12 constitute an indebtedness of any municipality represented by
13 the commission within the meaning of any statutory or
14 constitutional limitation. Upon the issuance of revenue bonds,
15 the revenue of the commission derived pursuant to contracts
16 entered into for the sale of water to the specified
17 municipalities and from the operation of its properties, shall
18 be accounted for as provided in the ordinance or resolution
19 authorizing the issuance of the bonds. Any commission created
20 under the provisions of this Division 135 may also issue new
21 bonds for the purpose of providing funds for the payment of
22 unpaid bonds in accordance with the procedure prescribed by
23 this Division 135.

24 The amendatory Acts of 1971, 1972, 1973, 1975 and 1981 are
25 not a limit upon any municipality which is a home rule unit.

26 (Source: P.A. 91-659, eff. 12-22-99; revised 7-31-24.)

1 Section 385. The Economic Development Project Area Tax
2 Increment Allocation Act of 1995 is amended by changing
3 Section 10 as follows:

4 (65 ILCS 110/10)

5 Sec. 10. Definitions. In this Act, words or terms have the
6 following meanings:

7 (a) "Closed military installation" means a former base,
8 camp, post, station, yard, center, homeport facility for any
9 ship, or other activity under the jurisdiction of the United
10 States Department of ~~the~~ Defense which is not less in the
11 aggregate than 500 acres and which is closed or in the process
12 of being closed by the Secretary of Defense under and pursuant
13 to Title II of the Defense Base Closure and Realignment Act
14 (Public Law 100-526; 10 U.S.C. 2687 note), The Defense Base
15 Closure and Realignment Act of 1990 (part A of title XXIX of
16 Public Law 101-510; 10 U.S.C. 2687 note), Section 2687 of
17 Title 10 of the United States Code (10 U.S.C. 2687), or an
18 installation, described in subsection (b) of Section 15 of the
19 Joliet Arsenal Development Authority Act, that has been
20 transferred or is in the process of being transferred by the
21 Secretary of the Army pursuant to the Illinois Land
22 Conservation Act (Title XXIX of Public Law 104-106; 16 U.S.C.
23 1609), as each may be further supplemented or amended.

24 (b) "Economic development plan" means the written plan of

1 a municipality that sets forth an economic development program
2 for an economic development project area. Each economic
3 development plan shall include, but not be limited to, (i)
4 estimated economic development project costs, (ii) the sources
5 of funds to pay those costs, (iii) the nature and term of any
6 obligations to be issued by the municipality to pay those
7 costs, (iv) the most recent equalized assessed valuation of
8 the economic development project area, (v) an estimate of the
9 equalized assessed valuation of the economic development
10 project area after completion of an economic development
11 project, (vi) the estimated date of completion of any economic
12 development project proposed to be undertaken, (vii) a general
13 description of the types of any proposed developers, users, or
14 tenants of any property to be located or improved within the
15 economic development project area, (viii) a description of the
16 type, structure, and general character of the facilities to be
17 developed or improved, (ix) a description of the general land
18 uses to apply in the economic development project area, (x) a
19 general description or an estimate of the type, class, and
20 number of employees to be employed in the operation of the
21 facilities to be developed or improved, and (xi) a commitment
22 by the municipality to fair employment practices and an
23 affirmative action plan regarding any economic development
24 program to be undertaken by the municipality.

25 (c) "Economic development project" means any development
26 project furthering the objectives of this Act.

1 (d) "Economic development project area" means any improved
2 or vacant area that (i) is within or partially within and
3 contiguous to the boundaries of a closed military installation
4 as defined in subsection (a) of this Section (except the
5 installation described in Section 15 of the Joliet Arsenal
6 Development Authority Act) or, only in the case of the
7 installation described in Section 15 of the Joliet Arsenal
8 Development Authority Act, is within or contiguous to the
9 closed military installation, (ii) is located entirely within
10 the territorial limits of a municipality, (iii) is contiguous,
11 (iv) is not less in the aggregate than 1 1/2 acres, (v) is
12 suitable for siting by a commercial, manufacturing,
13 industrial, research, transportation, or residential housing
14 enterprise or facilities to include, but not be limited to,
15 commercial businesses, offices, factories, mills, processing
16 plants, industrial or commercial distribution centers,
17 warehouses, repair overhaul or service facilities, freight
18 terminals, research facilities, test facilities,
19 transportation facilities, or single-family ~~single~~ or
20 multi-family residential housing units, regardless of whether
21 the area has been used at any time for those facilities and
22 regardless of whether the area has been used or is suitable for
23 other uses and (vi) has been approved and certified by the
24 corporate authorities of the municipality pursuant to this
25 Act.

26 (e) "Economic development project costs" means and

1 includes the total of all reasonable or necessary costs
2 incurred or to be incurred under an economic development
3 project, including, without limitation, the following:

4 (1) Costs of studies, surveys, development of plans
5 and specifications, and implementation and administration
6 of an economic development plan and personnel and
7 professional service costs for architectural, engineering,
8 legal, marketing, financial planning, police, fire, public
9 works, public utility, or other services. No charges for
10 professional services, however, may be based on a
11 percentage of incremental tax revenues.

12 (2) Property assembly costs within an economic
13 development project area, including, but not limited to,
14 acquisition of land and other real or personal property or
15 rights or interests in property.

16 (3) Site preparation costs, including, but not limited
17 to, clearance of any area within an economic development
18 project area by demolition or removal of any existing
19 buildings, structures, fixtures, utilities, and
20 improvements and clearing and grading; and including
21 installation, repair, construction, reconstruction,
22 extension, or relocation of public streets, public
23 utilities, and other public site improvements located
24 outside the boundaries of an economic development project
25 area that are essential to the preparation of the economic
26 development project area for use with an economic

1 development plan.

2 (4) Costs of renovation, rehabilitation,
3 reconstruction, relocation, repair, or remodeling of any
4 existing buildings, improvements, equipment, and fixtures
5 within an economic development project area.

6 (5) Costs of installation or construction within an
7 economic development project area of any buildings,
8 structures, works, streets, improvements, equipment,
9 utilities, or fixtures, whether publicly or privately
10 owned or operated.

11 (6) Financing costs, including, but not limited to,
12 all necessary and incidental expenses related to the
13 issuance of obligations, payment of any interest on any
14 obligations issued under this Act that accrues during the
15 estimated period of construction of any economic
16 development project for which the obligations are issued
17 and for not more than 36 months after that period, and any
18 reasonable reserves related to the issuance of the
19 obligations.

20 (7) All or a portion of a taxing district's capital or
21 operating costs resulting from an economic development
22 project necessarily incurred or estimated to be incurred
23 by a taxing district in the furtherance of the objectives
24 of an economic development project, to the extent that the
25 municipality, by written agreement, accepts and approves
26 those costs.

1 (8) Relocation costs to the extent that a municipality
2 determines that relocation costs shall be paid or is
3 required to pay relocation costs by federal or State law.

4 (9) The estimated tax revenues from real property in
5 an economic development project area acquired by a
6 municipality in furtherance of an economic development
7 project under this Act that, according to the economic
8 development plan, is to be used for a private use (i) that
9 any taxing district would have received had the
10 municipality not adopted tax increment allocation
11 financing for an economic development project area and
12 (ii) that would result from the taxing district's levies
13 made after the time of the adoption by the municipality of
14 tax increment allocation financing to the time the current
15 equalized assessed value of real property in the economic
16 development project area exceeds the total initial
17 equalized value of real property.

18 (10) Costs of rebating ad valorem taxes paid by any
19 developer or other nongovernmental person in whose name
20 the general taxes were paid for the last preceding year on
21 any lot, block, tract, or parcel of land in the economic
22 development project area, provided that:

23 (A) the economic development project area is
24 located in an enterprise zone created under the
25 Illinois Enterprise Zone Act;

26 (B) the ad valorem taxes shall be rebated only in

1 amounts and for a tax year or years as the municipality
2 and any one or more affected taxing districts have
3 agreed by prior written agreement;

4 (C) any amount of rebate of taxes shall not exceed
5 the portion, if any, of taxes levied by the
6 municipality or taxing district or districts that is
7 attributable to the increase in the current equalized
8 assessed valuation of each taxable lot, block, tract,
9 or parcel of real property in the economic development
10 project area over and above the initial equalized
11 assessed value of each property existing at the time
12 property tax allocation financing was adopted for the
13 economic development project area; and

14 (D) costs of rebating ad valorem taxes shall be
15 paid by a municipality solely from the special tax
16 allocation fund established under this Act and shall
17 not be paid from the proceeds of any obligations
18 issued by a municipality.

19 (11) Costs of job training or advanced vocational or
20 career education, including, but not limited to, courses
21 in occupational, semi-technical, or technical fields
22 leading directly to employment, incurred by one or more
23 taxing districts, but only if the costs are related to the
24 establishment and maintenance of additional job training,
25 advanced vocational education, or career education
26 programs for persons employed or to be employed by

1 employers located in the economic development project area
2 and only if, when the costs are incurred by a taxing
3 district or taxing districts other than the municipality,
4 they shall be set forth in a written agreement by or among
5 the municipality and the taxing district or taxing
6 districts that describes the program to be undertaken,
7 including, without limitation, the number of employees to
8 be trained, a description of the training and services to
9 be provided, the number and type of positions available or
10 to be available, itemized costs of the program and sources
11 of funds to pay the costs, and the term of the agreement.
12 These costs include, specifically, the payment by
13 community college districts of costs pursuant to Sections
14 3-37, 3-38, 3-40 and 3-40.1 of the Public Community
15 College Act and by school districts of costs pursuant to
16 Sections 10-22.20 and 10-23.3a of the School Code.

17 (12) Private financing costs incurred by a developer
18 or other nongovernmental person in connection with an
19 economic development project, provided that:

20 (A) private financing costs shall be paid or
21 reimbursed by a municipality only pursuant to the
22 prior official action of the municipality evidencing
23 an intent to pay or reimburse such private financing
24 costs;

25 (B) except as provided in subparagraph (D), the
26 aggregate amount of the costs paid or reimbursed by a

1 municipality in any one year shall not exceed 30% of
2 the costs paid or incurred by the developer or other
3 nongovernmental person in that year;

4 (C) private financing costs shall be paid or
5 reimbursed by a municipality solely from the special
6 tax allocation fund established under this Act and
7 shall not be paid from the proceeds of any obligations
8 issued by a municipality; and

9 (D) if there are not sufficient funds available in
10 the special tax allocation fund in any year to make the
11 payment or reimbursement in full, any amount of the
12 interest costs remaining to be paid or reimbursed by a
13 municipality shall accrue and be payable when funds
14 are available in the special tax allocation fund to
15 make the payment.

16 If a special service area has been established under the
17 Special Service Area Tax Act, then any tax increment revenues
18 derived from the tax imposed pursuant to the Special Service
19 Area Tax Act may be used within the economic development
20 project area for the purposes permitted by that Act as well as
21 the purposes permitted by this Act.

22 (f) "Municipality" means a city, village, or incorporated
23 town.

24 (g) "Obligations" means any instrument evidencing the
25 obligation of a municipality to pay money, including, without
26 limitation, bonds, notes, installment or financing contracts,

1 certificates, tax anticipation warrants or notes, vouchers,
2 and any other evidences of indebtedness.

3 (h) "Taxing districts" means counties, townships, and
4 school, road, park, sanitary, mosquito abatement, forest
5 preserve, public health, fire protection, river conservancy,
6 tuberculosis sanitarium, and any other districts or other
7 municipal corporations with the power to levy taxes.

8 (Source: P.A. 91-642, eff. 8-20-99; revised 10-16-24.)

9 Section 390. The Airport Authorities Act is amended by
10 changing Section 15.2 as follows:

11 (70 ILCS 5/15.2) (from Ch. 15 1/2, par. 68.15b)

12 Sec. 15.2. An Airport Authority may construct office,
13 aircraft hangar and service buildings and appurtenant
14 facilities upon a public airport owned and operated by the
15 authority for the use and occupancy of the State Department of
16 Transportation under a lease to the State of Illinois for such
17 purpose. The rents and charges payable thereunder shall be not
18 greater than the total costs to the authority of constructing
19 and maintaining said airport improvements and of funding such
20 costs under the provisions of Sections 8.03, 8.04, 8.08, 15,
21 and 15.1, ~~as amended,~~ of this Act as hereinafter provided. The
22 rentals payable to the authority under such lease, together
23 with such non-tax revenues as are available to the authority,
24 shall also be adequate in amount for the authority to

1 establish and maintain a bond reserve account. Such lease
2 shall not be effective for a longer term than is reasonably
3 required to enable such funding to occur, and in no event shall
4 the term thereof exceed 30 ~~thirty~~ years. Such airport
5 improvements shall be constructed upon plans and
6 specifications approved by the Department of Transportation.
7 The lease of said improvements and the site thereof to the
8 State of Illinois shall be executed by the Department of
9 Central Management Services for the use of the Department of
10 Transportation. In the event the General Assembly does not
11 appropriate the necessary funds for paying the rentals on the
12 lease entered into by the authority under this Section, the
13 authority may lease such facilities to another lessee.

14 The authority may secure the funds required for the
15 construction of said improvements through the issuance and
16 sale of revenue bonds as authorized by and subject to the
17 conditions stated in said Sections 15 and 15.1 of this Act,
18 which bonds shall bear interest at a rate not to exceed that
19 permitted in the Bond Authorization Act ~~"An Act to authorize~~
20 ~~public corporations to issue bonds, other evidences of~~
21 ~~indebtedness and tax anticipation warrants subject to interest~~
22 ~~rate limitations set forth therein", approved May 26, 1970, as~~
23 ~~now or hereafter amended.~~ Such revenue bonds shall be
24 primarily secured by the income receivable by the authority
25 under said lease. Other available and unpledged airport
26 operating income may be pledged by the authority to meet any

1 deficiency in the income from the lease in meeting the
2 principal and interest maturities of said revenue bonds and
3 the maintenance and depreciation requirements of said Section
4 15.1. The principal amount of such revenue bonds shall be
5 based upon the actual total costs of said improvements,
6 including costs of engineering and architects services, the
7 costs incidental to the issuance of the bonds, including legal
8 costs, the costs of selling and printing the bonds, and the
9 interest on the bonds during the time of construction.
10 Construction contracts for said improvements shall be awarded
11 upon competitive bids and such bids and the making of awards
12 shall be subject to approval by the Authority and the
13 Department of Transportation.

14 (Source: P.A. 82-1057; revised 7-31-24.)

15 Section 395. The Metropolitan Pier and Exposition
16 Authority Act is amended by changing Section 23.1 as follows:

17 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

18 Sec. 23.1. Affirmative action.

19 (a) The Authority shall, within 90 days after the
20 effective date of this amendatory Act of 1984, establish and
21 maintain an affirmative action program designed to promote
22 equal employment opportunity and eliminate the effects of past
23 discrimination. Such program shall include a plan, including
24 timetables where appropriate, which shall specify goals and

1 methods for increasing participation by women and minorities
2 in employment, ~~including employment related to the planning,~~
3 ~~organization, and staging of the games,~~ by the Authority and
4 by parties which contract with the Authority. The Authority
5 shall submit a detailed plan with the General Assembly prior
6 to September 1 of each year. Such program shall also establish
7 procedures and sanctions, which the Authority shall enforce to
8 ensure compliance with the plan established pursuant to this
9 Section and with State and federal laws and regulations
10 relating to the employment of women and minorities. A
11 determination by the Authority as to whether a party to a
12 contract with the Authority has achieved the goals or employed
13 the methods for increasing participation by women and
14 minorities shall be determined in accordance with the terms of
15 such contracts or the applicable provisions of rules and
16 regulations of the Authority existing at the time such
17 contract was executed, including any provisions for
18 consideration of good faith efforts at compliance which the
19 Authority may reasonably adopt.

20 (b) The Authority shall adopt and maintain minority-owned
21 and women-owned business enterprise procurement programs under
22 the affirmative action program described in subsection (a) for
23 any and all work, ~~including all contracting related to the~~
24 ~~planning, organization, and staging of the games,~~ undertaken
25 by the Authority. That work shall include, but is not limited
26 to, the purchase of professional services, construction

1 services, supplies, materials, and equipment. The programs
2 shall establish goals of awarding not less than 25% of the
3 annual dollar value of all contracts, purchase orders, or
4 other agreements (collectively referred to as "contracts") to
5 minority-owned businesses and 5% of the annual dollar value of
6 all contracts to women-owned businesses. Without limiting the
7 generality of the foregoing, the programs shall require in
8 connection with the prequalification or consideration of
9 vendors for professional service contracts, construction
10 contracts, and contracts for supplies, materials, equipment,
11 and services that each proposer or bidder submit as part of his
12 or her proposal or bid a commitment detailing how he or she
13 will expend 25% or more of the dollar value of his or her
14 contracts with one or more minority-owned businesses and 5% or
15 more of the dollar value with one or more women-owned
16 businesses. Bids or proposals that do not include such
17 detailed commitments are not responsive and shall be rejected
18 unless the Authority deems it appropriate to grant a waiver of
19 these requirements. In addition the Authority may, in
20 connection with the selection of providers of professional
21 services, reserve the right to select a minority-owned or
22 women-owned business or businesses to fulfill the commitment
23 to minority and woman business participation. The commitment
24 to minority and woman business participation may be met by the
25 contractor or professional service provider's status as a
26 minority-owned or women-owned business, by joint venture or by

1 subcontracting a portion of the work with or purchasing
2 materials for the work from one or more such businesses, or by
3 any combination thereof. Each contract shall require the
4 contractor or provider to submit a certified monthly report
5 detailing the status of that contractor or provider's
6 compliance with the Authority's minority-owned and women-owned
7 business enterprise procurement program. The Authority, after
8 reviewing the monthly reports of the contractors and
9 providers, shall compile a comprehensive report regarding
10 compliance with this procurement program and file it quarterly
11 with the General Assembly. If, in connection with a particular
12 contract, the Authority determines that it is impracticable or
13 excessively costly to obtain minority-owned or women-owned
14 businesses to perform sufficient work to fulfill the
15 commitment required by this subsection, the Authority shall
16 reduce or waive the commitment in the contract, as may be
17 appropriate. The Authority shall establish rules and
18 regulations setting forth the standards to be used in
19 determining whether or not a reduction or waiver is
20 appropriate. The terms "minority-owned business" and
21 "women-owned business" have the meanings given to those terms
22 in the Business Enterprise for Minorities, Women, and Persons
23 with Disabilities Act.

24 (c) The Authority shall adopt and maintain an affirmative
25 action program in connection with the hiring of minorities and
26 women on the Expansion Project and on any and all construction

1 ~~projects, including all contracting related to the planning,~~
2 ~~organization, and staging of the games,~~ undertaken by the
3 Authority. The program shall be designed to promote equal
4 employment opportunity and shall specify the goals and methods
5 for increasing the participation of minorities and women in a
6 representative mix of job classifications required to perform
7 the respective contracts awarded by the Authority.

8 (d) In connection with the Expansion Project, the
9 Authority shall incorporate the following elements into its
10 minority-owned and women-owned business procurement programs
11 to the extent feasible: (1) a major contractors program that
12 permits minority-owned businesses and women-owned businesses
13 to bear significant responsibility and risk for a portion of
14 the project; (2) a mentor/protege program that provides
15 financial, technical, managerial, equipment, and personnel
16 support to minority-owned businesses and women-owned
17 businesses; (3) an emerging firms program that includes
18 minority-owned businesses and women-owned businesses that
19 would not otherwise qualify for the project due to
20 inexperience or limited resources; (4) a small projects
21 program that includes participation by smaller minority-owned
22 businesses and women-owned businesses on jobs where the total
23 dollar value is \$5,000,000 or less; and (5) a set-aside
24 program that will identify contracts requiring the expenditure
25 of funds less than \$50,000 for bids to be submitted solely by
26 minority-owned businesses and women-owned businesses.

1 (e) The Authority is authorized to enter into agreements
2 with contractors' associations, labor unions, and the
3 contractors working on the Expansion Project to establish an
4 Apprenticeship Preparedness Training Program to provide for an
5 increase in the number of minority and women journeymen and
6 apprentices in the building trades and to enter into
7 agreements with Community College District 508 to provide
8 readiness training. The Authority is further authorized to
9 enter into contracts with public and private educational
10 institutions and persons in the hospitality industry to
11 provide training for employment in the hospitality industry.

12 (f) McCormick Place Advisory Board. There is created a
13 McCormick Place Advisory Board composed as follows: 2 members
14 shall be appointed by the Mayor of Chicago; 2 members shall be
15 appointed by the Governor; 2 members shall be State Senators
16 appointed by the President of the Senate; 2 members shall be
17 State Senators appointed by the Minority Leader of the Senate;
18 2 members shall be State Representatives appointed by the
19 Speaker of the House of Representatives; and 2 members shall
20 be State Representatives appointed by the Minority Leader of
21 the House of Representatives. The terms of all previously
22 appointed members of the Advisory Board expire on the
23 effective date of this amendatory Act of the 92nd General
24 Assembly. A State Senator or State Representative member may
25 appoint a designee to serve on the McCormick Place Advisory
26 Board in his or her absence.

1 A "member of a minority group" shall mean a person who is a
2 citizen or lawful permanent resident of the United States and
3 who is any of the following:

4 (1) American Indian or Alaska Native (a person having
5 origins in any of the original peoples of North and South
6 America, including Central America, and who maintains
7 tribal affiliation or community attachment).

8 (2) Asian (a person having origins in any of the
9 original peoples of the Far East, Southeast Asia, or the
10 Indian subcontinent, including, but not limited to,
11 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
12 the Philippine Islands, Thailand, and Vietnam).

13 (3) Black or African American (a person having origins
14 in any of the black racial groups of Africa).

15 (4) Hispanic or Latino (a person of Cuban, Mexican,
16 Puerto Rican, South or Central American, or other Spanish
17 culture or origin, regardless of race).

18 (5) Native Hawaiian or Other Pacific Islander (a
19 person having origins in any of the original peoples of
20 Hawaii, Guam, Samoa, or other Pacific Islands).

21 Members of the McCormick Place Advisory Board shall serve
22 2-year terms and until their successors are appointed, except
23 members who serve as a result of their elected position whose
24 terms shall continue as long as they hold their designated
25 elected positions. Vacancies shall be filled by appointment
26 for the unexpired term in the same manner as original

1 appointments are made. The McCormick Place Advisory Board
2 shall elect its own chairperson.

3 Members of the McCormick Place Advisory Board shall serve
4 without compensation but, at the Authority's discretion, shall
5 be reimbursed for necessary expenses in connection with the
6 performance of their duties.

7 The McCormick Place Advisory Board shall meet quarterly,
8 or as needed, shall produce any reports it deems necessary,
9 and shall:

10 (1) Work with the Authority on ways to improve the
11 area physically and economically;

12 (2) Work with the Authority regarding potential means
13 for providing increased economic opportunities to
14 minorities and women produced indirectly or directly from
15 the construction and operation of the Expansion Project;

16 (3) Work with the Authority to minimize any potential
17 impact on the area surrounding the McCormick Place
18 Expansion Project, including any impact on minority-owned
19 or women-owned businesses, resulting from the construction
20 and operation of the Expansion Project;

21 (4) Work with the Authority to find candidates for
22 building trades apprenticeships, for employment in the
23 hospitality industry, and to identify job training
24 programs;

25 (5) Work with the Authority to implement the
26 provisions of subsections (a) through (e) of this Section

1 in the construction of the Expansion Project, including
2 the Authority's goal of awarding not less than 25% and 5%
3 of the annual dollar value of contracts to minority-owned
4 and women-owned businesses, the outreach program for
5 minorities and women, and the mentor/protege program for
6 providing assistance to minority-owned and women-owned
7 businesses.

8 (g) (Blank). ~~The Authority shall comply with subsection~~
9 ~~(e) of Section 5-42 of the Olympic Games and Paralympic Games~~
10 ~~(2016) Law. For purposes of this Section, the term "games" has~~
11 ~~the meaning set forth in the Olympic Games and Paralympic~~
12 ~~Games (2016) Law.~~

13 (Source: P.A. 102-465, eff. 1-1-22; revised 10-24-24.)

14 Section 400. The Conservation District Act is amended by
15 changing Section 15 as follows:

16 (70 ILCS 410/15) (from Ch. 96 1/2, par. 7116)

17 Sec. 15. (a) Whenever a district does not have sufficient
18 money in its treasury to meet all necessary expenses and
19 liabilities thereof, it may issue tax anticipation warrants.
20 Such issue of tax anticipation warrants shall be subject to
21 the provisions of Section 2 of the Warrants and Jurors
22 Certificates Act ~~"An Act to provide for the manner of issuing~~
23 ~~warrants upon the treasurer of the State or of any county,~~
24 ~~township, or other municipal corporation or quasi municipal~~

~~corporation, or of any farm drainage district, river district,
drainage and levee district, fire protection district and
jurors' certificates", approved June 27, 1913, as now and
hereafter amended.~~

(b) For the purpose of acquisition of real property, or rights thereto, a district may incur indebtedness and, as evidence of the indebtedness thus created, may issue and sell bonds without first obtaining the consent of the legal voters of the district.

(b-5) For the purpose of development of real property, all or a portion of which has been acquired with referendum-approved bonds, a district located entirely within McHenry County may incur indebtedness and, as evidence of the indebtedness thus created, may issue and sell bonds without first obtaining the consent of the legal voters of the district. Development, for the purposes of this subsection (b-5), shall mean the improvement or maintenance of existing trails, parking lots, bridges, roads, picnic shelters, and other improvements, adding or improving access to conservation areas or district facilities to comply with the Americans with Disabilities Act, demolition of unnecessary or unsafe structures, and the stabilization, revitalization, or rehabilitation of historic structures.

(c) For the purpose of development of real property, a district may incur indebtedness and, as evidence of the indebtedness thus created, may issue and sell bonds only after

1 the proposition to issue bonds has been submitted to the legal
2 voters of the district at an election and has been approved by
3 a majority of those voting on the proposition. Such election
4 is subject to Section 15.1 of this Act.

5 (d) No district shall become indebted in any manner or for
6 any purpose, to any amount including existing indebtedness in
7 the aggregate exceeding 0.575% of the value, as equalized or
8 assessed by the Department of Revenue, of the taxable property
9 therein; except that a district entirely within a county of
10 under 750,000 inhabitants and contiguous to a county of more
11 than 2,000,000 inhabitants may incur indebtedness, including
12 existing indebtedness, in the aggregate not exceeding 1.725%
13 of that value if the aggregate indebtedness over 0.575% is
14 submitted to the legal voters of the district at an election
15 and is approved by a majority of those voting on the
16 proposition as provided in Section 15.1.

17 The following do not in any way limit the right of a
18 district to issue non-referendum bonds under this Section:
19 bonds heretofore or hereafter issued and outstanding that are
20 approved by referendum, as described in this subsection (d);
21 refunding bonds issued to refund or continue to refund bonds
22 approved by referendum; and bonds issued under this Section
23 that have been paid in full or for which provisions for payment
24 have been made by an irrevocable deposit of funds in an amount
25 sufficient to pay the principal and interest on those bonds to
26 their respective maturity date.

1 (e) Before or at the time of issuing bonds as described in
2 this Section, the district shall provide by ordinance for the
3 collection of an annual tax, in addition to all other taxes
4 authorized by this Act ~~act~~, sufficient to pay such bonds and
5 the interest thereon as the same respectively become due. Such
6 bonds shall be divided into series, the first of which shall
7 mature not later than 5 years after the date of issue and the
8 last of which shall mature not later than 25 years after the
9 date of issue; shall bear interest at a rate or rates not
10 exceeding the maximum rate permitted in the Bond Authorization
11 Act ~~"An Act to authorize public corporations to issue bonds,~~
12 ~~other evidences of indebtedness and tax anticipation warrants~~
13 ~~subject to interest rate limitations set forth therein",~~
14 ~~approved May 26, 1970, as now or hereafter amended;~~ shall be in
15 such form as the district shall by resolution provide; and
16 shall be payable as to both principal and interest from the
17 proceeds of the annual levy of taxes authorized to be levied by
18 this Section, or so much thereof as will be sufficient to pay
19 the principal thereof and the interest thereon. Prior to the
20 authorization and issuance of such bonds the district may,
21 with or without notice, negotiate and enter into an agreement
22 or agreements with any bank, investment banker, trust company,
23 or insurance company, or group thereof, whereunder the
24 marketing of such bonds may be assured and consummated. The
25 proceeds of such bonds shall be deposited in a special fund, to
26 be kept separate and apart from all other funds of the

1 conservation district.

2 (Source: P.A. 98-1168, eff. 6-1-15; revised 7-31-24.)

3 Section 405. The Central Illinois Economic Development
4 Authority Act is amended by changing Section 21 as follows:

5 (70 ILCS 504/21)

6 Sec. 21. Requests for assistance; disclosure of economic
7 interests.

8 (a) The Authority may not hear a request for assistance
9 from a restricted person. This prohibition extends to business
10 relationships between a person who is an Authority leader
11 within one year prior to the request for assistance and to any
12 entity in which a restricted person holds or, within the past 2
13 years, held an ownership interest of 10% or more.

14 (b) An Authority leader shall disclose and recuse himself
15 or herself from matters relating to requests for assistance
16 from an entity that is relocating full-time employees from
17 another Authority's counties if (i) both Authorities contract
18 with or employ the same Authority leader or (ii) there is or,
19 within the past 2 years of the request, there was a business
20 relationship between the Authority leaders at the 2
21 Authorities.

22 (c) The Board of the Authority shall vote to renew the
23 appointment of the Executive Director and other Authority
24 leaders on an annual basis. All contracts shall be approved on

1 an annual basis and use a public process to solicit
2 applications. This requirement does not apply to full-time
3 employees of the Authority unless otherwise required by
4 applicable State law or local ordinance.

5 (g) Each Authority leader shall submit a statement of
6 economic interests ~~interest~~ in accordance with Article 4A of
7 the Illinois Governmental Ethics Act. Additionally, each
8 Authority leader shall disclose to the Board outside sources
9 of income and any business relationships in economic
10 development consulting or lobbying. Reporting shall include
11 the source of income, services provided, and timeline of when
12 services were provided. If the source of income is a firm or
13 organization with multiple clients, the report shall list all
14 of the entities for which the individual provided services.

15 (Source: P.A. 103-517, eff. 8-11-23; revised 7-31-24.)

16 Section 410. The Eastern Illinois Economic Development
17 Authority Act is amended by changing Section 21 as follows:

18 (70 ILCS 506/21)

19 Sec. 21. Requests for assistance; disclosure of economic
20 interests.

21 (a) The Authority may not hear a request for assistance
22 from a restricted person. This prohibition extends to business
23 relationships between a person who is an Authority leader
24 within one year prior to the request for assistance and to any

1 entity in which a restricted person holds or, within the past 2
2 years, held an ownership interest of 10% or more.

3 (b) An Authority leader shall disclose and recuse himself
4 or herself from matters relating to requests for assistance
5 from an entity that is relocating full-time employees from
6 another Authority's counties if (i) both Authorities contract
7 with or employ the same Authority leader or (ii) there is or,
8 within the past 2 years of the request, there was a business
9 relationship between the Authority leaders at the 2
10 Authorities.

11 (c) The Board of the Authority shall vote to renew the
12 appointment of the Executive Director and other Authority
13 leaders on an annual basis. All contracts shall be approved on
14 an annual basis and use a public process to solicit
15 applications. This requirement does not apply to full-time
16 employees of the Authority unless otherwise required by
17 applicable State law or local ordinance.

18 (d) Each Authority leader shall submit a statement of
19 economic interests ~~interest~~ in accordance with Article 4A of
20 the Illinois Governmental Ethics Act. Additionally, each
21 Authority leader shall disclose to the Board outside sources
22 of income and any business relationships in economic
23 development consulting or lobbying. Reporting shall include
24 the source of income, services provided, and timeline of when
25 services were provided. If the source of income is a firm or
26 organization with multiple clients, the report shall list all

1 of the entities for which the individual provided services.

2 (Source: P.A. 103-517, eff. 8-11-23; revised 7-31-24.)

3 Section 415. The Joliet Arsenal Development Authority Act
4 is amended by changing Section 21 as follows:

5 (70 ILCS 508/21)

6 Sec. 21. Requests for assistance; disclosure of economic
7 interests.

8 (a) The Authority may not hear a request for assistance
9 from a restricted person. This prohibition extends to business
10 relationships between a person who is an Authority leader
11 within one year prior to the request for assistance and to any
12 entity in which a restricted person holds or, within the past 2
13 years, held an ownership interest of 10% or more.

14 (b) An Authority leader shall disclose and recuse himself
15 or herself from matters relating to requests for assistance
16 from an entity that is relocating full-time employees from
17 another Authority's counties if (i) both Authorities contract
18 with or employ the same Authority leader or (ii) there is or,
19 within the past 2 years of the request, there was a business
20 relationship between the Authority leaders at the 2
21 Authorities.

22 (c) The Board of the Authority shall vote to renew the
23 appointment of the Executive Director and other Authority
24 leaders on an annual basis. All contracts shall be approved on

1 an annual basis and use a public process to solicit
2 applications. This requirement does not apply to full-time
3 employees of the Authority unless otherwise required by
4 applicable State law or local ordinance.

5 (d) Each Authority leader shall submit a statement of
6 economic interests ~~interest~~ in accordance with Article 4A of
7 the Illinois Governmental Ethics Act. Additionally, each
8 Authority leader shall disclose to the Board outside sources
9 of income and any business relationships in economic
10 development consulting or lobbying. Reporting shall include
11 the source of income, services provided, and timeline of when
12 services were provided. If the source of income is a firm or
13 organization with multiple clients, the report shall list all
14 of the entities for which the individual provided services.

15 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

16 Section 420. The Quad Cities Regional Economic Development
17 Authority Act, approved September 22, 1987 is amended by
18 changing Section 5 as follows:

19 (70 ILCS 510/5) (from Ch. 85, par. 6205)

20 Sec. 5. Conflicts of interest; requests for assistance;
21 disclosure of economic interests.

22 (a) No member of the Authority or officer, agent, or
23 employee thereof other than the representatives of a
24 professional sports team shall, in his or her own name or in

1 the name of a nominee, be an officer, director, or hold an
2 ownership interest of more than 7-1/2% in any person,
3 association, trust, corporation, partnership, or other entity
4 which is, in its own name or in the name of a nominee, a party
5 to a contract or agreement upon which the member or officer,
6 agent, or employee may be called upon to act or vote.

7 (b) With respect to any direct or any indirect interest,
8 other than an interest prohibited in subsection (a), in a
9 contract or agreement upon which the member or officer, agent,
10 or employee may be called upon to act or vote, a member of the
11 Authority or officer, agent, or employee thereof shall
12 disclose the same to the secretary of the Authority prior to
13 the taking of final action by the Authority concerning such
14 contract or agreement and shall so disclose the nature and
15 extent of such interest and his or her acquisition thereof,
16 which disclosures shall be publicly acknowledged by the
17 Authority and entered upon the minutes of the Authority. If a
18 member of the Authority or officer, agent, or employee thereof
19 holds such an interest, then he or she shall refrain from any
20 further official involvement in regard to such contract or
21 agreement, from voting on any matter pertaining to such
22 contract or agreement, and from communicating with other
23 members of the Authority or its officers, agents, and
24 employees concerning said contract or agreement.
25 Notwithstanding any other provision of law, any contract or
26 agreement entered into in conformity with this subsection (b)

1 shall not be void or invalid by reason of the interest
2 described in this subsection, nor shall any person so
3 disclosing the interest and refraining from further official
4 involvement as provided in this subsection be guilty of an
5 offense, be removed from office, or be subject to any other
6 penalty on account of such interest.

7 (c) Any contract or agreement made in violation of
8 subsection (a) or (b) of this Section shall be null and void
9 and give rise to no action against the Authority. No real
10 estate to which a member or employee of the Authority holds
11 legal title or in which such person has any beneficial
12 interest, including any interest in a land trust, shall be
13 purchased by the Authority or by a nonprofit corporation or
14 limited-profit entity for a development to be financed under
15 this Act. All members and employees of the Authority shall
16 file annually with the Authority a record of all real estate in
17 this State of which such person holds legal title or in which
18 such person has any beneficial interest, including any
19 interest in a land trust. In the event it is later disclosed
20 that the Authority has purchased real estate in which a member
21 or employee had an interest, such purchase shall be voidable
22 by the Authority and the member or employee involved shall be
23 disqualified from membership in or employment by the
24 Authority.

25 (d) The Authority may not hear a request for assistance
26 from a restricted person. This prohibition extends to business

1 relationships between a person who is an Authority leader
2 within one year prior to the request for assistance and to any
3 entity in which a restricted person holds or, within the past 2
4 years, held an ownership interest of 10% or more.

5 (e) An Authority leader shall disclose and recuse himself
6 or herself from matters relating to requests for assistance
7 from an entity that is relocating full-time employees from
8 another Authority's counties if (i) both Authorities contract
9 with or employ the same Authority leader or (ii) there is or,
10 within the past 2 years of the request, there was a business
11 relationship between the Authority leaders at the 2
12 Authorities.

13 (f) The Board of the Authority shall vote to renew the
14 appointment of the Executive Director and other Authority
15 leaders on an annual basis. All contracts shall be approved on
16 an annual basis and use a public process to solicit
17 applications. This requirement does not apply to full-time
18 employees of the Authority unless otherwise required by
19 applicable State law or local ordinance.

20 (g) Each Authority leader shall submit a statement of
21 economic interests ~~interest~~ in accordance with Article 4A of
22 the Illinois Governmental Ethics Act. Additionally, each
23 Authority leader shall disclose to the Board outside sources
24 of income and any business relationships in economic
25 development consulting or lobbying. Reporting shall include
26 the source of income, services provided, and timeline of when

1 services were provided. If the source of income is a firm or
2 organization with multiple clients, the report shall list all
3 of the entities for which the individual provided services.

4 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

5 Section 425. The Riverdale Development Authority Act is
6 amended by changing Section 21 as follows:

7 (70 ILCS 516/21)

8 Sec. 21. Requests for assistance; disclosure of economic
9 interests.

10 (a) The Authority may not hear a request for assistance
11 from a restricted person. This prohibition extends to business
12 relationships between a person who is an Authority leader
13 within one year prior to the request for assistance and to any
14 entity in which a restricted person holds or, within the past 2
15 years, held an ownership interest of 10% or more.

16 (b) An Authority leader shall disclose and recuse himself
17 or herself from matters relating to requests for assistance
18 from an entity that is relocating full-time employees from
19 another Authority's counties if (i) both Authorities contract
20 with or employ the same Authority leader or (ii) there is or,
21 within the past 2 years of the request, there was a business
22 relationship between the Authority leaders at the 2
23 Authorities.

24 (c) The Board of the Authority shall vote to renew the

1 appointment of the Executive Director and other Authority
2 leaders on an annual basis. All contracts shall be approved on
3 an annual basis and use a public process to solicit
4 applications. This requirement does not apply to full-time
5 employees of the Authority unless otherwise required by
6 applicable State law or local ordinance.

7 (d) Each Authority leader shall submit a statement of
8 economic interests ~~interest~~ in accordance with Article 4A of
9 the Illinois Governmental Ethics Act. Additionally, each
10 Authority leader shall disclose to the Board outside sources
11 of income and any business relationships in economic
12 development consulting or lobbying. Reporting shall include
13 the source of income, services provided, and timeline of when
14 services were provided. If the source of income is a firm or
15 organization with multiple clients, the report shall list all
16 of the entities for which the individual provided services.

17 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

18 Section 430. The Southeastern Illinois Economic
19 Development Authority Act is amended by changing Section 26 as
20 follows:

21 (70 ILCS 518/26)

22 Sec. 26. Requests for assistance; disclosure of economic
23 interests.

24 (a) The Authority may not hear a request for assistance

1 from a restricted person. This prohibition extends to business
2 relationships between a person who is an Authority leader
3 within one year prior to the request for assistance and to any
4 entity in which a restricted person holds or, within the past 2
5 years, held an ownership interest of 10% or more.

6 (b) An Authority leader shall disclose and recuse himself
7 or herself from matters relating to requests for assistance
8 from an entity that is relocating full-time employees from
9 another Authority's counties if (i) both Authorities contract
10 with or employ the same Authority leader or (ii) there is or,
11 within the past 2 years of the request, there was a business
12 relationship between the Authority leaders at the 2
13 Authorities.

14 (c) The Board of the Authority shall vote to renew the
15 appointment of the Executive Director and other Authority
16 leaders on an annual basis. All contracts shall be approved on
17 an annual basis and use a public process to solicit
18 applications. This requirement does not apply to full-time
19 employees of the Authority unless otherwise required by
20 applicable State law or local ordinance.

21 (d) Each Authority leader shall submit a statement of
22 economic interests ~~interest~~ in accordance with Article 4A of
23 the Illinois Governmental Ethics Act. Additionally, each
24 Authority leader shall disclose to the Board outside sources
25 of income and any business relationships in economic
26 development consulting or lobbying. Reporting shall include

1 the source of income, services provided, and timeline of when
2 services were provided. If the source of income is a firm or
3 organization with multiple clients, the report shall list all
4 of the entities for which the individual provided services.

5 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

6 Section 435. The Southern Illinois Economic Development
7 Authority Act is amended by changing Section 5-26 as follows:

8 (70 ILCS 519/5-26)

9 Sec. 5-26. Requests for assistance; disclosure of economic
10 interests.

11 (a) The Authority may not hear a request for assistance
12 from a restricted person. This prohibition extends to business
13 relationships between a person who is an Authority leader
14 within one year prior to the request for assistance and to any
15 entity in which a restricted person holds or, within the past 2
16 years, held an ownership interest of 10% or more.

17 (b) An Authority leader shall disclose and recuse himself
18 or herself from matters relating to requests for assistance
19 from an entity that is relocating full-time employees from
20 another Authority's counties if (i) both Authorities contract
21 with or employ the same Authority leader or (ii) there is or,
22 within the past 2 years of the request, there was a business
23 relationship between the Authority leaders at the 2
24 Authorities.

1 (c) The Board of the Authority shall vote to renew the
2 appointment of the Executive Director and other Authority
3 leaders on an annual basis. All contracts shall be approved on
4 an annual basis and use a public process to solicit
5 applications. This requirement does not apply to full-time
6 employees of the Authority unless otherwise required by
7 applicable State law or local ordinance.

8 (d) Each Authority leader shall submit a statement of
9 economic interests ~~interest~~ in accordance with Article 4A of
10 the Illinois Governmental Ethics Act. Additionally, each
11 Authority leader shall disclose to the Board outside sources
12 of income and any business relationships in economic
13 development consulting or lobbying. Reporting shall include
14 the source of income, services provided, and timeline of when
15 services were provided. If the source of income is a firm or
16 organization with multiple clients, the report shall list all
17 of the entities for which the individual provided services.

18 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

19 Section 440. The Southwestern Illinois Development
20 Authority Act is amended by changing Section 11.1 as follows:

21 (70 ILCS 520/11.1) (from Ch. 85, par. 6161.1)

22 Sec. 11.1. (a) No member of the Authority or officer,
23 agent, or employee of the Authority shall, in his or her own
24 name or in the name of a nominee, be an officer or director of

1 or hold an ownership of more than 7.5% in any person,
2 association, trust, corporation, partnership, or other entity
3 that is, in its own name or in the name of a nominee, a party
4 to a contract or agreement upon which the member, officer,
5 agent, or employee may be called upon to act or vote.

6 (b) With respect to any direct or any indirect interest,
7 other than an interest prohibited in subsection (a), in a
8 contract or agreement upon which the member, officer, agent,
9 or employee may be called upon to act or vote, the member,
10 officer, agent, or employee shall disclose that interest to
11 the secretary of the Authority before the taking of final
12 action by the Authority concerning that contract or agreement
13 and shall also disclose the nature and extent of that interest
14 and his or her acquisition of that interest, which disclosures
15 shall be publicly acknowledged by the Authority and entered
16 upon the minutes of the Authority. If a member of the Authority
17 or an officer, agent, or employee of the Authority holds such
18 an interest, then he or she shall refrain from any further
19 official involvement in regard to the contract or agreement,
20 from voting on any matter pertaining to the contract or
21 agreement, and from communicating with other members of the
22 Authority or its officers, agents, and employees concerning
23 the contract or agreement. Notwithstanding any other provision
24 of law, any contract or agreement entered into in conformity
25 with this subsection (b) shall not be void or invalid by reason
26 of an interest described in this subsection, nor shall any

1 person so disclosing the interest and refraining from further
2 official involvement as provided in this subsection be guilty
3 of an offense, be removed from office, or be subject to any
4 other penalty on account of that interest.

5 (c) Any contract or agreement made in violation of
6 subsection (a) or (b) is void and gives rise to no action
7 against the Authority.

8 (d) The Authority may not hear a request for assistance
9 from a restricted person. This prohibition extends to business
10 relationships between a person who is an Authority leader
11 within one year prior to the request for assistance and to any
12 entity in which a restricted person holds or, within the past 2
13 years, held an ownership interest of 10% or more.

14 (e) An Authority leader shall disclose and recuse himself
15 or herself from matters relating to requests for assistance
16 from an entity that is relocating full-time employees from
17 another Authority's counties if (i) both Authorities contract
18 with or employ the same Authority leader or (ii) there is or,
19 within the past 2 years of the request, there was a business
20 relationship between the Authority leaders at the 2
21 Authorities.

22 (f) The Board of the Authority shall vote to renew the
23 appointment of the Executive Director and other Authority
24 leaders on an annual basis. All contracts shall be approved on
25 an annual basis and use a public process to solicit
26 applications. This requirement does not apply to full-time

1 employees of the Authority unless otherwise required by
2 applicable State law or local ordinance.

3 (g) Each Authority leader shall submit a statement of
4 economic interests ~~interest~~ in accordance with Article 4A of
5 the Illinois Governmental Ethics Act. Additionally, each
6 Authority leader shall disclose to the Board outside sources
7 of income and any business relationships in economic
8 development consulting or lobbying. Reporting shall include
9 the source of income, services provided, and timeline of when
10 services were provided. If the source of income is a firm or
11 organization with multiple clients, the report shall list all
12 of the entities for which the individual provided services.

13 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

14 Section 445. The Tri-County River Valley Development
15 Authority Law is amended by changing Section 2005.1 as
16 follows:

17 (70 ILCS 525/2005.1)

18 Sec. 2005.1. Requests for assistance; disclosure of
19 economic interests.

20 (a) The Authority may not hear a request for assistance
21 from a restricted person. This prohibition extends to business
22 relationships between a person who is an Authority leader
23 within one year prior to the request for assistance and to any
24 entity in which a restricted person holds or, within the past 2

1 years, held an ownership interest of 10% or more.

2 (b) An Authority leader shall disclose and recuse himself
3 or herself from matters relating to requests for assistance
4 from an entity that is relocating full-time employees from
5 another Authority's counties if (i) both Authorities contract
6 with or employ the same Authority leader or (ii) there is or,
7 within the past 2 years of the request, there was a business
8 relationship between the Authority leaders at the 2
9 Authorities.

10 (c) The Board of the Authority shall vote to renew the
11 appointment of the Executive Director and other Authority
12 leaders on an annual basis. All contracts shall be approved on
13 an annual basis and use a public process to solicit
14 applications. This requirement does not apply to full-time
15 employees of the Authority unless otherwise required by
16 applicable State law or local ordinance.

17 (d) Each Authority leader shall submit a statement of
18 economic interests ~~interest~~ in accordance with Article 4A of
19 the Illinois Governmental Ethics Act. Additionally, each
20 Authority leader shall disclose to the Board outside sources
21 of income and any business relationships in economic
22 development consulting or lobbying. Reporting shall include
23 the source of income, services provided, and timeline of when
24 services were provided. If the source of income is a firm or
25 organization with multiple clients, the report shall list all
26 of the entities for which the individual provided services.

1 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

2 Section 450. The Upper Illinois River Valley Development
3 Authority Act is amended by changing Sections 5.1 and 7 as
4 follows:

5 (70 ILCS 530/5.1)

6 Sec. 5.1. Requests for assistance; disclosure of economic
7 interests.

8 (a) The Authority may not hear a request for assistance
9 from a restricted person. This prohibition extends to business
10 relationships between a person who is an Authority leader
11 within one year prior to the request for assistance and to any
12 entity in which a restricted person holds or, within the past 2
13 years, held an ownership interest of 10% or more.

14 (b) An Authority leader shall disclose and recuse himself
15 or herself from matters relating to requests for assistance
16 from an entity that is relocating full-time employees from
17 another Authority's counties if (i) both Authorities contract
18 with or employ the same Authority leader or (ii) there is or,
19 within the past 2 years of the request, there was a business
20 relationship between the Authority leaders at the 2
21 Authorities.

22 (c) The Board of the Authority shall vote to renew the
23 appointment of the Executive Director and other Authority
24 leaders on an annual basis. All contracts shall be approved on

1 an annual basis and use a public process to solicit
2 applications. This requirement does not apply to full-time
3 employees of the Authority unless otherwise required by
4 applicable State law or local ordinance.

5 (d) Each Authority leader shall submit a statement of
6 economic interests ~~interest~~ in accordance with Article 4A of
7 the Illinois Governmental Ethics Act. Additionally, each
8 Authority leader shall disclose to the Board outside sources
9 of income and any business relationships in economic
10 development consulting or lobbying. Reporting shall include
11 the source of income, services provided, and timeline of when
12 services were provided. If the source of income is a firm or
13 organization with multiple clients, the report shall list all
14 of the entities for which the individual provided services.

15 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

16 (70 ILCS 530/7) (from Ch. 85, par. 7157)

17 Sec. 7. Bonds.

18 (a) The Authority, with the written approval of the
19 Governor, shall have the continuing power to issue bonds,
20 notes, or other evidences of indebtedness in an aggregate
21 amount outstanding not to exceed \$500,000,000 for the purpose
22 of developing, constructing, acquiring, or improving projects,
23 including those established by business entities locating or
24 expanding property within the territorial jurisdiction of the
25 Authority, for entering into venture capital agreements with

1 businesses locating or expanding within the territorial
2 jurisdiction of the Authority, for acquiring and improving any
3 property necessary and useful in connection therewith and for
4 the purposes of the Employee Ownership Assistance Act. For the
5 purpose of evidencing the obligations of the Authority to
6 repay any money borrowed, the Authority may, pursuant to
7 resolution, from time to time issue and dispose of its
8 interest bearing revenue bonds, notes, or other evidences of
9 indebtedness and may also from time to time issue and dispose
10 of such bonds, notes, or other evidences of indebtedness to
11 refund, at maturity, at a redemption date or in advance of
12 either, any bonds, notes, or other evidences of indebtedness
13 pursuant to redemption provisions or at any time before
14 maturity. All such bonds, notes, or other evidences of
15 indebtedness shall be payable solely and only from the
16 revenues or income to be derived from loans made with respect
17 to projects, from the leasing or sale of the projects or from
18 any other funds available to the Authority for such purposes.
19 The bonds, notes, or other evidences of indebtedness may bear
20 such date or dates, may mature at such time or times not
21 exceeding 40 years from their respective dates, may bear
22 interest at such rate or rates not exceeding the maximum rate
23 permitted by the Bond Authorization Act ~~"An Act to authorize~~
24 ~~public corporations to issue bonds, other evidences of~~
25 ~~indebtedness and tax anticipation warrants subject to interest~~
26 ~~rate limitations set forth therein", approved May 26, 1970, as~~

1 ~~amended~~, may be in such form, may carry such registration
2 privileges, may be executed in such manner, may be payable at
3 such place or places, may be made subject to redemption in such
4 manner and upon such terms, with or without premium as is
5 stated on the face thereof, may be authenticated in such
6 manner, and may contain such terms and covenants as may be
7 provided by an applicable resolution.

8 (b-1) The holder or holders of any bonds, notes, or other
9 evidences of indebtedness issued by the Authority may bring
10 suits at law or proceedings in equity to compel the
11 performance and observance by any corporation or person or by
12 the Authority or any of its agents or employees of any contract
13 or covenant made with the holders of such bonds, notes, or
14 other evidences of indebtedness, to compel such corporation,
15 person, the Authority and any of its agents or employees to
16 perform any duties required to be performed for the benefit of
17 the holders of any such bonds, notes, or other evidences of
18 indebtedness by the provision of the resolution authorizing
19 their issuance and to enjoin such corporation, person, the
20 Authority and any of its agents or employees from taking any
21 action in conflict with any such contract or covenant.

22 (b-2) If the Authority fails to pay the principal of or
23 interest on any of the bonds or premium, if any, as the same
24 become due, a civil action to compel payment may be instituted
25 in the appropriate circuit court by the holder or holders of
26 the bonds on which such default of payment exists or by an

1 indenture trustee acting on behalf of such holders. Delivery
2 of a summons and a copy of the complaint to the Chairman of the
3 Board shall constitute sufficient service to give the circuit
4 court jurisdiction of the subject matter of such a suit and
5 jurisdiction over the Authority and its officers named as
6 defendants for the purpose of compelling such payment. Any
7 case, controversy, or cause of action concerning the validity
8 of this Act relates to the revenue of the State of Illinois.

9 (c) Notwithstanding the form and tenor of any such bonds,
10 notes, or other evidences of indebtedness and in the absence
11 of any express recital on the face thereof that it is
12 non-negotiable, all such bonds, notes, and other evidences of
13 indebtedness shall be negotiable instruments. Pending the
14 preparation and execution of any such bonds, notes, or other
15 evidences of indebtedness, temporary bonds, notes, or
16 evidences of indebtedness may be issued as provided by
17 ordinance.

18 (d) To secure the payment of any or all of such bonds,
19 notes, or other evidences of indebtedness, the revenues to be
20 received by the Authority from a lease agreement or loan
21 agreement shall be pledged, and, for the purpose of setting
22 forth the covenants and undertakings of the Authority in
23 connection with the issuance thereof and the issuance of any
24 additional bonds, notes, or other evidences of indebtedness
25 payable from such revenues, income, or other funds to be
26 derived from projects, the Authority may execute and deliver a

1 mortgage or trust agreement. A remedy for any breach or
2 default of the terms of any such mortgage or trust agreement by
3 the Authority may be by mandamus proceedings in the
4 appropriate circuit court to compel the performance and
5 compliance therewith, but the trust agreement may prescribe by
6 whom or on whose behalf such action may be instituted.

7 (e) Such bonds or notes shall be secured as provided in the
8 authorizing ordinance which may, notwithstanding any other
9 provision of this Act, include in addition to any other
10 security a specific pledge or assignment of and lien on or
11 security interest in any or all revenues or money of the
12 Authority from whatever source which may by law be used for
13 debt service purposes and a specific pledge or assignment of
14 and lien on or security interest in any funds or accounts
15 established or provided for by ordinance of the Authority
16 authorizing the issuance of such bonds or notes.

17 (f) (Blank).

18 (g) The State of Illinois pledges to and agrees with the
19 holders of the bonds and notes of the Authority issued
20 pursuant to this Section that the State will not limit or alter
21 the rights and powers vested in the Authority by this Act so as
22 to impair the terms of any contract made by the Authority with
23 such holders or in any way impair the rights and remedies of
24 such holders until such bonds and notes, together with
25 interest thereon, with interest on any unpaid installments of
26 interest, and all costs and expenses in connection with any

1 action or proceedings by or on behalf of such holders, are
2 fully met and discharged. In addition, the State pledges to
3 and agrees with the holders of the bonds and notes of the
4 Authority issued pursuant to this Section that the State will
5 not limit or alter the basis on which State funds are to be
6 paid to the Authority as provided in this Act, or the use of
7 such funds, so as to impair the terms of any such contract. The
8 Authority is authorized to include these pledges and
9 agreements of the State in any contract with the holders of
10 bonds or notes issued pursuant to this Section.

11 (h) (Blank).

12 (Source: P.A. 98-750, eff. 1-1-15; 99-499, eff. 1-29-16;
13 revised 7-30-24.)

14 Section 455. The Illinois Urban Development Authority Act
15 is amended by changing Section 5 as follows:

16 (70 ILCS 531/5)

17 Sec. 5. Conflicts of interest; requests for assistance;
18 disclosure of economic interests.

19 (a) No member of the Authority or officer, agent, or
20 employee thereof shall, in the member's own name or in the name
21 of a nominee, be an officer, director, or hold an ownership
22 interest in any person, association, trust, corporation,
23 partnership, or other entity which is, in its own name or in
24 the name of a nominee, a party to a contract or agreement upon

1 which the member or officer, agent, or employee may be called
2 upon to act or vote.

3 (b) With respect to any direct or any indirect interest,
4 other than an interest prohibited in subsection (a), in a
5 contract or agreement upon which the member or officer, agent,
6 or employee may be called upon to act or vote, a member of the
7 Authority or officer, agent, or employee thereof must disclose
8 the interest to the secretary of the Authority prior to the
9 taking of final action by the Authority concerning the
10 contract or agreement and shall disclose the nature and extent
11 of the interest and his or her acquisition thereof, which
12 shall be publicly acknowledged by the Authority and entered
13 upon the minutes of the Authority. If a member of the Authority
14 or officer, agent, or employee thereof holds such an interest
15 then the member shall refrain from any further official
16 involvement in regard to the contract or agreement, from
17 voting on any matter pertaining to the contract or agreement,
18 and from communicating with other members of the Authority or
19 its officers, agents, and employees concerning the contract or
20 agreement. Notwithstanding any other provision of law, any
21 contract or agreement entered into in conformity with this
22 subsection shall not be void or invalid by reason of the
23 interest described in this subsection, nor shall any person
24 disclosing an interest and refraining from further official
25 involvement as provided in this subsection be guilty of an
26 offense, be removed from office, or be subject to any other

1 penalty on account of the interest.

2 (c) Any contract or agreement made in violation of
3 subsection ~~subsections~~ (a) or (b) shall be null and void,
4 whether or not the contract performance has been authorized,
5 and shall give rise to no action against the Authority. No real
6 estate to which a member or employee of the Authority holds
7 legal title or in which a member or employee of the Authority
8 has any beneficial interest, including any interest in a land
9 trust, shall be purchased by the Authority or by a nonprofit
10 corporation or limited-profit entity for a development to be
11 financed under this Act.

12 All members and employees of the Authority shall file
13 annually with the Authority a record of all real estate in this
14 State to which the member or employee holds legal title or in
15 which the member or employee has any beneficial interest,
16 including any interest in a land trust. In the event it is
17 later disclosed that the Authority has purchased real estate
18 in which a member or employee had an interest, that purchase
19 shall be voidable by the Authority and the member or employee
20 involved shall be disqualified from membership in or
21 employment by the Authority.

22 (d) The Authority may not hear a request for assistance
23 from a restricted person. This prohibition extends to business
24 relationships between a person who is an Authority leader
25 within one year prior to the request for assistance and to any
26 entity in which a restricted person holds or, within the past 2

1 years, held an ownership interest of 10% or more.

2 (e) An Authority leader shall disclose and recuse himself
3 or herself from matters relating to requests for assistance
4 from an entity that is relocating full-time employees from
5 another Authority's counties if (i) both Authorities contract
6 with or employ the same Authority leader or (ii) there is or,
7 within the past 2 years of the request, there was a business
8 relationship between the Authority leaders at the 2
9 Authorities.

10 (f) The Board of the Authority shall vote to renew the
11 appointment of the Executive Director and other Authority
12 leaders on an annual basis. All contracts shall be approved on
13 an annual basis and use a public process to solicit
14 applications. This requirement does not apply to full-time
15 employees of the Authority unless otherwise required by
16 applicable State law or local ordinance.

17 (g) Each Authority leader shall submit a statement of
18 economic interests ~~interest~~ in accordance with Article 4A of
19 the Illinois Governmental Ethics Act. Additionally, each
20 Authority leader shall disclose to the Board outside sources
21 of income and any business relationships in economic
22 development consulting or lobbying. Reporting shall include
23 the source of income, services provided, and timeline of when
24 services were provided. If the source of income is a firm or
25 organization with multiple clients, the report shall list all
26 of the entities for which the individual provided services.

1 (Source: P.A. 103-517, eff. 8-11-23; revised 7-31-24.)

2 Section 460. The Western Illinois Economic Development
3 Authority Act is amended by changing Section 26 as follows:

4 (70 ILCS 532/26)

5 Sec. 26. Requests for assistance; disclosure of economic
6 interests.

7 (a) The Authority may not hear a request for assistance
8 from a restricted person. This prohibition extends to business
9 relationships between a person who is an Authority leader
10 within one year prior to the request for assistance and to any
11 entity in which a restricted person holds or, within the past 2
12 years, held an ownership interest of 10% or more.

13 (b) An Authority leader shall disclose and recuse himself
14 or herself from matters relating to requests for assistance
15 from an entity that is relocating full-time employees from
16 another Authority's counties if (i) both Authorities contract
17 with or employ the same Authority leader or (ii) there is or,
18 within the past 2 years of the request, there was a business
19 relationship between the Authority leaders at the 2
20 Authorities.

21 (c) The Board of the Authority shall vote to renew the
22 appointment of the Executive Director and other Authority
23 leaders on an annual basis. All contracts shall be approved on
24 an annual basis and use a public process to solicit

1 applications. This requirement does not apply to full-time
2 employees of the Authority unless otherwise required by
3 applicable State law or local ordinance.

4 (d) Each Authority leader shall submit a statement of
5 economic interests ~~interest~~ in accordance with Article 4A of
6 the Illinois Governmental Ethics Act. Additionally, each
7 Authority leader shall disclose to the Board outside sources
8 of income and any business relationships in economic
9 development consulting or lobbying. Reporting shall include
10 the source of income, services provided, and timeline of when
11 services were provided. If the source of income is a firm or
12 organization with multiple clients, the report shall list all
13 of the entities for which the individual provided services.

14 (Source: P.A. 103-517, eff. 8-11-23; revised 7-22-24.)

15 Section 465. The Will-Kankakee Regional Development
16 Authority Law is amended by changing Section 5.1 as follows:

17 (70 ILCS 535/5.1)

18 Sec. 5.1. Requests for assistance; disclosure of economic
19 interests.

20 (a) The Authority may not hear a request for assistance
21 from a restricted person. This prohibition extends to business
22 relationships between a person who is an Authority leader
23 within one year prior to the request for assistance and to any
24 entity in which a restricted person holds or, within the past 2

1 years, held an ownership interest of 10% or more.

2 (b) An Authority leader shall disclose and recuse himself
3 or herself from matters relating to requests for assistance
4 from an entity that is relocating full-time employees from
5 another Authority's counties if (i) both Authorities contract
6 with or employ the same Authority leader or (ii) there is or,
7 within the past 2 years of the request, there was a business
8 relationship between the Authority leaders at the 2
9 Authorities.

10 (c) The Board of the Authority shall vote to renew the
11 appointment of the Executive Director and other Authority
12 leaders on an annual basis. All contracts shall be approved on
13 an annual basis and use a public process to solicit
14 applications. This requirement does not apply to full-time
15 employees of the Authority unless otherwise required by
16 applicable State law or local ordinance.

17 (d) Each Authority leader shall submit a statement of
18 economic interests ~~interest~~ in accordance with Article 4A of
19 the Illinois Governmental Ethics Act. Additionally, each
20 Authority leader shall disclose to the Board outside sources
21 of income and any business relationships in economic
22 development consulting or lobbying. Reporting shall include
23 the source of income, services provided, and timeline of when
24 services were provided. If the source of income is a firm or
25 organization with multiple clients, the report shall list all
26 of the entities for which the individual provided services.

(Source: P.A. 103-517, eff. 8-11-23; revised 7-22-24.)

Section 470. The Illinois Drainage Code is amended by changing Section 6-12 as follows:

(70 ILCS 605/6-12) (from Ch. 42, par. 6-12)

Sec. 6-12. Extending payment of assessments; hearing; order ~~assessments—Hearing—Order~~. The court shall hear such petition and make such order as it deems proper. The court may order the time of payment of any such assessments or one or more installments of assessments, or any part or parts thereof, extended, may change the number of installments into which such assessments are divided, may fix the rate of interest which said extended assessments shall bear, which shall not exceed that permitted in the Bond Authorization Act ~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended,~~ and shall give the owners an opportunity to pay the assessments or installments proposed to be refunded in cash within a reasonable time to be fixed by the court without further notice, and after the expiration of the time fixed and the commissioners have reported such cash payments to the court, the court shall also fix the amount of the refunding bonds and authorize their issuance by the commissioners at a rate of interest not to exceed the rate of

1 interest on the extended assessments, and such refunding notes
2 or bonds shall be a lien upon such extended assessments or
3 installments. Extended assessments or installments shall
4 continue to be a lien upon the lands assessed until paid.

5 (Source: P.A. 84-886; revised 7-23-24.)

6 Section 475. The Fire Protection District Act is amended
7 by setting forth and renumbering multiple versions of Section
8 6.3 as follows:

9 (70 ILCS 705/6.3)

10 Sec. 6.3. Health insurance; joint mental health therapy
11 services. If a fire protection district is a self-insurer for
12 purposes of providing health insurance coverage for officers
13 and members of the fire department, the insurance coverage
14 shall include joint mental health therapy services for any
15 officer or member of the fire department and any spouse or
16 partner of the officer or member who resides with the officer
17 or member. The joint mental health therapy services provided
18 under this Section shall be performed by a physician licensed
19 to practice medicine in all of its branches, a licensed
20 clinical psychologist, a licensed clinical social worker, a
21 licensed clinical professional counselor, a licensed marriage
22 and family therapist, a licensed social worker, or a licensed
23 professional counselor.

24 (Source: P.A. 103-818, eff. 1-1-25.)

1 (70 ILCS 705/6.4)

2 Sec. 6.4 ~~6.3~~. Mental health counseling.

3 (a) As used in this Section:

4 "First responders" means firefighters, emergency medical
5 services personnel, as that term is defined in Section 3.5 of
6 the Emergency Medical Services (EMS) Systems Act, dispatched
7 pursuant to a 9-1-1 call, emergency medical dispatchers, as
8 that term is defined in Section 3.70 of the Emergency Medical
9 Services (EMS) Systems Act, and public safety
10 telecommunicators, as that term is defined in Section 2 of the
11 Emergency Telephone System Act.

12 "Mental health counseling" means counseling therapy
13 sessions provided by a clinical social worker, professional
14 counselor, or licensed psychologist.

15 (b) If a fire protection district is a self-insurer for
16 purposes of providing health insurance coverage for its
17 employees, the insurance coverage shall include, on and after
18 June 1, 2025, mental health counseling for any employee who is
19 a first responder without imposing a deductible, coinsurance,
20 copayment, or any other cost-sharing requirement on the
21 coverage provided, except that this Section does not apply to
22 the extent such coverage would disqualify a high-deductible
23 health plan from eligibility for a health savings account
24 pursuant to Section 223 of the Internal Revenue Code.

25 (Source: P.A. 103-1011, eff. 1-1-25; revised 12-3-24.)

1 Section 480. The Museum District Act is amended by
2 changing Section 17 as follows:

3 (70 ILCS 1105/17) (from Ch. 85, par. 6817)

4 Sec. 17. Debt and bonds. The board of a museum district
5 may, for any of its authorized purposes, borrow money upon the
6 faith and credit of the district and may issue bonds. A
7 district may not, however, become indebted in any manner or
8 for any purpose to an amount including existing indebtedness
9 in the aggregate exceeding 1.5% of the assessed value, as
10 equalized by the Department of Revenue, of the taxable
11 property in the district. A district may not incur (i)
12 indebtedness in excess of .3% of the assessed value, as
13 equalized by the Department of Revenue, of taxable property in
14 the district for the development of historical sites, together
15 with related lands and facilities, held by the district or
16 (ii) indebtedness for any other purpose except the acquisition
17 of historical sites, together with related lands and
18 facilities, unless the proposition to issue bonds or otherwise
19 incur indebtedness is certified by the board to the proper
20 election officials, who shall submit the proposition at an
21 election in accordance with the general election law, and the
22 proposition is approved by a majority of those voting upon the
23 proposition. Before or at the time of issuing bonds, the board
24 shall provide by ordinance for the collection of an annual tax

1 sufficient to pay the interest on the bonds as it falls due and
2 to pay the principal of the bonds as they mature. The bonds
3 shall mature not later than 20 years after the date thereof.
4 Such bonds shall bear interest at such rate or rates as do not
5 exceed those set forth in the Bond Authorization Act ~~"An Act to~~
6 ~~authorize public corporations to issue bonds, other evidences~~
7 ~~of indebtedness and tax anticipation warrants subject to~~
8 ~~interest rate limitations set forth therein", approved May 26,~~
9 ~~1970, as amended from time to time,~~ and shall be issuable upon
10 any terms and may have provisions as make use of any authority
11 as may be provided in the Local Government Debt Reform Act, ~~as~~
12 ~~amended from time to time.~~

13 (Source: P.A. 86-477; revised 7-23-24.)

14 Section 485. The Chicago Park District Act is amended by
15 changing Sections 20 and 20a as follows:

16 (70 ILCS 1505/20) (from Ch. 105, par. 333.20)

17 Sec. 20. The Chicago Park District is authorized to issue
18 the bonds of such district for the payment of land condemned or
19 purchased for park or boulevards, for the building,
20 maintaining, improving, and protecting of such for the purpose
21 of establishing, acquiring, completing, enlarging,
22 ornamenting, building, rebuilding, and improving public parks,
23 boulevards, bridges, subways, viaducts, and approaches
24 thereto, wharfs, piers, jetties, air landing fields and

1 basins, shore protection works, pleasure grounds and ways,
2 walks, pathways, driveways, roadways, highways, and all public
3 works, grounds, or improvements under the control of and
4 within the jurisdiction of such park commissioners and
5 including the filling in of submerged lands for park purposes
6 and constructing all buildings, field houses, stadiums,
7 shelters, conservatories, museums, service shops, power
8 plants, structures, playground devices, boulevard and building
9 lighting systems and building all other types of permanent
10 improvement and construction necessary to render the property
11 under the control of such park commissioners usable for the
12 enjoyment thereof as public parks, parkways, boulevards, and
13 pleasure ways and for the payment of the expenses incident
14 thereto, and may pledge its property and credit therefor.

15 Such district shall not incur any bonded indebtedness,
16 exclusive of outstanding indebtedness to an amount in the
17 aggregate exceeding 2.3% of the assessed valuation of all
18 taxable property therein as last equalized and determined for
19 state and local taxes preceding the incurring of such
20 indebtedness. Bonds may be issued from time to time to an
21 amount which together with the outstanding bonded indebtedness
22 of such district, exclusive of bonds issued to create a
23 working cash fund, will not exceed 1% of the assessed
24 valuation of all taxable property therein as last equalized
25 and determined for state and local taxes preceding the
26 issuance of such bonds without submitting the question to the

1 legal voters for approval.

2 Except as otherwise provided in this Section and except
3 for working cash fund bonds issued and to be issued under
4 Section 2 of the Chicago Park District Working Cash Fund Act
5 ~~"An Act authorizing the Chicago Park District to provide for~~
6 ~~the creation, maintenance and administration of a working cash~~
7 ~~fund", approved July 11, 1935, as amended,~~ bonds shall not be
8 issued until the proposition to issue such has been submitted
9 to and approved by a majority of the legal voters of such park
10 district voting upon the proposition, at an election, after
11 notice of such submission has been given in the manner
12 provided by the general election law.

13 Submission of any proposition of issuing bonds shall be
14 authorized by resolution to be adopted by the Chicago Park
15 District commissioners, which shall designate the election at
16 which the question is to be submitted the amount of bonds and
17 purpose for which such bonds are to be issued.

18 Any proposition to issue bonds shall be certified by the
19 Chicago Park District commissioners to the proper election
20 officials, who shall submit that proposition in accordance
21 with the general election law. The proposition shall be in
22 substantially the following form:

23 -----
24 Shall bonds of the Chicago
25 Park District to the amount of YES
26 Dollars (\$.....) be -----

1 issued for the purpose of..... NO

2?

3 -----

4 Bonds shall be issued in the name of the Chicago Park
5 District in such form and denomination and shall be payable at
6 such place and time, not exceeding 20 years from date thereof
7 or, for bonds issued after July 24, 2003 (the effective date of
8 Public Act 93-338) ~~this amendatory Act of the 93rd General~~
9 ~~Assembly,~~ not exceeding 30 years from the date thereof, and
10 may be redeemable prior to maturity with or without premium at
11 the option of the commissioners, as such commissioners may
12 determine by ordinance duly adopted and the bonds shall be
13 signed by the president and attested by the secretary under
14 the corporate seal. After such advertising as the
15 commissioners shall deem necessary, the bonds shall be sold at
16 such price and upon such terms as determined by the
17 commissioners and which will not cause the net effective
18 interest rate to be paid by the Chicago Park District to exceed
19 that permitted in the Bond Authorization Act ~~"An Act to~~
20 ~~authorize public corporations to issue bonds, other evidences~~
21 ~~of indebtedness and tax anticipation warrants subject to~~
22 ~~interest rate limitations set forth therein", approved May 26,~~
23 ~~1970, as now or hereafter amended.~~ The validity of any bond so
24 executed shall remain unimpaired, although one or more of the
25 officers executing such shall have ceased to be such officer
26 or officers before delivery thereof to the purchaser.

1 For the purpose of paying the principal of and interest
2 upon such bonds, the Chicago Park District is authorized to
3 levy and have collected a direct annual tax upon all taxable
4 property within its jurisdiction, in addition to all other
5 taxes authorized by law to be levied and collected for park
6 purposes, sufficient to pay the interest on such bonds as it
7 falls due and to pay the principal thereof as it matures, and
8 the county clerk of the county in which such park district is
9 located upon receiving a certificate from the commissioners
10 that the amount set out in such certificate is necessary to pay
11 the interest on and principal of such bonds, shall assess and
12 extend such amount upon the taxable property embraced in such
13 park district, the same as other park taxes are by law assessed
14 and extended, and such taxes shall be collected and paid over
15 in like manner as other park taxes are required by law to be
16 collected and paid.

17 (Source: P.A. 93-338, eff. 7-24-03; revised 7-24-24.)

18 (70 ILCS 1505/20a) (from Ch. 105, par. 333.20a)

19 Sec. 20a. Bonds; issuance; interest. Notwithstanding
20 anything to the contrary in Section 20 of this Act, the Chicago
21 Park District is authorized to issue from time to time bonds of
22 such district in the principal amount of \$84,000,000 for the
23 purpose of paying the cost of erecting, enlarging,
24 ornamenting, building, rebuilding, rehabilitating, and
25 improving any aquarium or any museum or museums of art,

1 industry, science, or natural or other history located within
2 any public park or parks under the control of the Chicago Park
3 District, without submitting the question of issuing such
4 bonds to the voters of the District.

5 Notwithstanding anything to the contrary in Section 20 of
6 this Act, and in addition to any other amount of bonds
7 authorized to be issued under this Act, the Chicago Park
8 District is authorized to issue from time to time, before
9 January 1, 2004, bonds of the district in the principal amount
10 of \$128,000,000 for the purpose of paying the cost of
11 erecting, enlarging, ornamenting, building, rebuilding,
12 rehabilitating, and improving any aquarium or any museum or
13 museums of art, industry, science, or natural or other history
14 located within any public park or parks under the control of
15 the Chicago Park District, without submitting the question of
16 issuing the bonds to the voters of the District.

17 Notwithstanding anything to the contrary in Section 20 of
18 this Act, and in addition to any other amount of bonds
19 authorized to be issued under this Act, the Chicago Park
20 District is authorized to issue from time to time bonds of the
21 district in the principal amount of \$250,000,000 for the
22 purpose of making contributions to the pension fund
23 established under Article 12 of the Illinois Pension Code
24 without submitting the question of issuing the bonds to the
25 voters of the District; except that in any one year, the
26 Chicago Park District may not issue bonds in excess of

1 \$75,000,000. Any bond issuances under this subsection are
2 intended to decrease the unfunded liability of the pension
3 fund and shall not decrease the amount of the employer
4 contributions required in any given year under Section 12-149
5 of the Illinois Pension Code.

6 The bonds authorized under this Section shall be of such
7 denomination or denominations, may be registerable as to
8 principal only, and shall mature serially within a period of
9 not to exceed 20 years or, for bonds issued after July 24, 2003
10 (the effective date of Public Act 93-338) ~~this amendatory Act~~
11 ~~of the 93rd General Assembly~~, within a period of not to exceed
12 30 years, may be redeemable prior to maturity with or without
13 premium at the option of the commissioners on such terms and
14 conditions as the commissioners of the Chicago Park District
15 shall fix by the ordinance authorizing the issuance of such
16 bonds. The bonds shall bear interest at the rate of not to
17 exceed that permitted in the Bond Authorization Act ~~"An Act to~~
18 ~~authorize public corporations to issue bonds, other evidences~~
19 ~~of indebtedness and tax anticipation warrants subject to~~
20 ~~interest rate limitations set forth therein"~~, approved May 26,
21 ~~1970, as now or hereafter amended.~~

22 Such bonds shall be executed for and on behalf of the Park
23 District by such officers as shall be specified in the bond
24 ordinance, and one of such officers may be authorized to
25 execute the bonds by his facsimile signature, which officer
26 shall adopt as and for his official manual signature the

1 facsimile signature as it appears upon the bonds.

2 The ordinance authorizing the issuance of the bonds shall
3 provide for the levy and collection, in each of the years any
4 of such bonds shall be outstanding, a tax without limitation
5 as to rate or amount and in addition to all other taxes upon
6 all the taxable property within the corporate boundaries of
7 the Chicago Park District, sufficient to pay the principal of
8 and the interest upon such bonds as the same matures and
9 becomes due.

10 A certified copy of the ordinance providing for the
11 issuance of the bonds and the levying and collecting of the tax
12 to pay the same shall be filed with the County Clerk of the
13 county in which the Chicago Park District is located or with
14 the respective County Clerks of each county in which the
15 Chicago Park District is located. Such ordinance shall be
16 irrevocable and upon receipt of the certified copy thereof the
17 County Clerk or County Clerks, as the case may be, shall
18 provide for, assess and extend the tax as therein provided
19 upon all the taxable property located within the corporate
20 boundaries of the Chicago Park District, in the same manner as
21 other park taxes by law shall be provided for, assessed and
22 extended, and such taxes shall be collected and paid out in the
23 same manner as other park taxes by law shall be collected and
24 paid.

25 The interest on any unexpended proceeds of bonds issued
26 under this Section shall be credited to the Chicago Park

1 District and shall be paid into the District's general
2 corporate fund. The Chicago Park District may transfer such
3 amount of interest from the general corporate fund to the
4 aquarium and museum bond fund.

5 The amount of the outstanding bonded indebtedness of the
6 Chicago Park District issued under this Section shall not be
7 included in the bonded indebtedness of the District in
8 determining whether or not the District has exceeded its
9 limitation of 1/2 of 1% of the assessed valuation of all
10 taxable property in the District as last equalized and
11 determined by the Department of Revenue for the issuance of
12 any bonds authorized under the provisions of Section 20 of
13 this Act without submitting the question to the legal voters
14 for approval.

15 (Source: P.A. 102-263, eff. 8-6-21; revised 7-24-24.)

16 Section 490. The Chicago Park District Working Cash Fund
17 Act is amended by changing Sections 2 and 4 as follows:

18 (70 ILCS 1510/2) (from Ch. 105, par. 333.25)

19 Sec. 2. For the purpose of creating such working cash fund
20 the commissioners of the Chicago Park District, without the
21 submission thereof to the voters for approval, may incur an
22 indebtedness and issue bonds therefor in an amount not to
23 exceed \$40,000,000 in addition to bonds in the amount of
24 \$25,000,000 heretofore authorized, and in addition to bonds in

1 the amounts of \$5,000,000 and \$7,000,000 heretofore
2 authorized, and issued for that purpose. Bonds in the amount
3 of not to exceed \$40,000,000 may be sold in any one year and if
4 such maximum amount shall not be so sold in the first year the
5 balance thereof may be sold in any year thereafter at the
6 discretion of the commissioners.

7 Such bonds shall be authorized by ordinance and shall be
8 of the form and denomination, payable at the place and bear
9 such date as may be determined by the commissioners and shall
10 mature within not to exceed 20 years from their date or, for
11 bonds issued after July 24, 2003 (the effective date of Public
12 Act 93-338) ~~this amendatory Act of the 93rd General Assembly,~~
13 within not to exceed 30 years from their date, but may be made
14 callable on any interest payment date at the price of par and
15 accrued interest after notice shall be given by publication or
16 otherwise and at the time or times and in the manner as may be
17 provided in the bond ordinance.

18 Such bonds may be registered as to principal and shall
19 bear interest at the rate of not more than that permitted in
20 the Bond Authorization Act ~~"An Act to authorize public~~
21 ~~corporations to issue bonds, other evidences of indebtedness~~
22 ~~and tax anticipation warrants subject to interest rate~~
23 ~~limitations set forth therein", approved May 26, 1970, as now~~
24 ~~or hereafter amended,~~ such interest to be payable at such time
25 and place and in such manner as may be provided in the bond
26 ordinance.

1 The bonds may be signed by the facsimile signature of the
2 President with like effect as if signed with his genuine
3 signature and shall be signed by such other officers of the
4 Chicago Park District as may be designated in the bond
5 ordinance.

6 The validity of any bond shall remain unimpaired although
7 one or more of the officers executing same shall have ceased to
8 be such officer or officers before delivery thereof.

9 Such bonds may be sold for such price and after such
10 advertising as shall be approved and directed by the
11 commissioners.

12 Money received from the proceeds of taxes levied for
13 payment of principal of and interest upon such bonds shall be
14 deposited in a special fund of such municipality and
15 designated as "Bond and Interest Sinking Fund Account of the
16 Chicago Park District." Said fund shall be faithfully applied
17 to the payment of the bonds and interest thereon for which such
18 taxes were levied.

19 If such money is not immediately necessary for the payment
20 of said bonds or if the bonds cannot be purchased before
21 maturity then said money may be invested under the direction
22 of the commissioners in bonds or other interest bearing
23 obligations of the United States or bonds of the State of
24 Illinois.

25 The maturity date of the invested securities shall be
26 prior to the due date of the bonds for the payment of which

1 said money was collected. Such securities may be sold when
2 ordered by the commissioners if necessary to obtain money to
3 meet bond and interest payments.

4 Prior to the maturity of the bonds, after setting aside a
5 sum of money equal to the amount of interest that will accrue
6 thereon within the next 6 months period from the time it is
7 proposed to purchase and/or redeem any such bonds, or the
8 commissioners may require that said sum of money be equal to
9 the amount of interest that will so accrue within the next 12
10 months period, the treasurer of the park district shall use
11 the money available from the proceeds of taxes levied for the
12 payment of the bonds first, in the purchase of such bonds at
13 the lowest price obtainable, but not to exceed their par value
14 and accrued interest, after sealed tenders for such purchase
15 shall have been advertised for as may be directed by the
16 commissioners and thereafter such money shall be used by said
17 official in calling said bonds for payment according to their
18 terms of redemption.

19 Bonds called for payment and paid or purchased shall be
20 marked paid and cancelled.

21 Whenever any bonds are so purchased and/or redeemed and
22 cancelled, the taxes thereafter to be extended for payment of
23 interest shall be reduced in the amount of interest that would
24 have thereafter accrued upon such bonds so cancelled, and a
25 resolution shall be adopted by the commissioners finding such
26 facts and a certified copy thereof shall be filed in the office

1 of the county clerk whereupon it shall be the duty of such
2 official to reduce and extend such taxes in accordance
3 therewith.

4 The ordinance authorizing said bonds shall prescribe all
5 details thereof and shall provide for the levy and collection
6 of a direct annual tax upon all the taxable property within
7 said Chicago Park District sufficient to pay the interest upon
8 and the principal of said bonds as the same become due, which
9 tax shall be in addition to and exclusive of the maximum of all
10 other taxes authorized to be levied by said park district.

11 A copy of the bond ordinance duly certified shall be filed
12 in the office of the County Clerk of Cook County and shall
13 constitute authority for the extension and collection of such
14 bond and interest taxes as required by the constitution.

15 (Source: P.A. 93-338, eff. 7-24-03; revised 7-25-24.)

16 (70 ILCS 1510/4) (from Ch. 105, par. 333.27)

17 Sec. 4. Money shall be transferred from said working cash
18 fund to the general corporate fund only upon the authority of
19 the commissioners who shall from time to time by separate
20 resolution direct the treasurer to make transfers of such sums
21 as may be required for the purposes herein authorized. Every
22 resolution shall set forth:

23 (a) The taxes in anticipation of the collection of which
24 such transfer is to be made and from which such working cash
25 fund is to be reimbursed;

1 (b) The entire amount of taxes extended or which such
2 commissioners estimate will be extended or received for any
3 year, in anticipation of the collection of all or part of
4 which, such transfer is to be made;

5 (c) The aggregate amount of warrants theretofore issued in
6 anticipation of the collection of such taxes under the
7 provisions of the Warrants and Jurors Certificates Act ~~"An Act~~
8 ~~to provide for the manner of issuing warrants upon the~~
9 ~~treasurer of the state or of any county, township, city,~~
10 ~~village or other municipal corporation and jurors'~~
11 ~~certificates,"~~ approved June 27, 1913, as amended, together
12 with the amount of interest accrued and/or which such
13 commissioners estimate will accrue thereon.

14 (d) The aggregate amount of moneys theretofore transferred
15 from the working cash fund to the general corporate fund in
16 anticipation of the collection of such taxes.

17 (e) The aggregate amount of receipts from taxes imposed to
18 replace revenue lost by units of local government and school
19 districts as a result of the abolition of ad valorem personal
20 property taxes, pursuant to Article IX, Section 5(c) of the
21 Constitution of the State of Illinois, which the corporate
22 authorities estimate will be set aside for the payment of the
23 proportionate amount of debt service and pension or retirement
24 obligations, as required by Section 12 of the State Revenue
25 Sharing Act ~~"An Act in relation to State Revenue Sharing with~~
26 ~~local government entities",~~ approved July 31, 1969, as

1 ~~amended.~~

2 The amount which any such resolution shall direct the
3 treasurer so to transfer, in anticipation of the collection of
4 taxes levied or to be received for any year, together with the
5 aggregate amount of such tax anticipation warrants theretofore
6 issued against such taxes and the amount of the interest
7 accrued and/or estimated to accrue on such warrants, the
8 amount estimated to be required to satisfy debt service and
9 pension or retirement obligations, as set forth in Section 12
10 of the State Revenue Sharing Act ~~"An Act in relation to State~~
11 ~~revenue sharing with local government entities", approved July~~
12 ~~31, 1969, as amended,~~ and the aggregate amount of such
13 transfers theretofore made in anticipation of the collection
14 of such taxes, shall not exceed ninety per cent of the actual
15 estimated amount of said taxes extended and to be extended or
16 to be received as set forth in said resolution.

17 To the extent that at any time moneys are available in the
18 working cash fund they shall be transferred to the general
19 corporate fund and disbursed for the payment of salaries and
20 other corporate expenses so as to avoid whenever possible, the
21 issuance of tax anticipation warrants.

22 (Source: P.A. 81-1506; revised 7-18-24.)

23 Section 495. The Havana Regional Port District Act is
24 amended by changing Section 17 as follows:

(70 ILCS 1805/17) (from Ch. 19, par. 617)

Sec. 17. The bonds or certificates shall be sold by the corporate authorities of the Port District in such manner as the Board determines, except that if issued to bear interest at the maximum rate permitted in the Bond Authorization Act ~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended~~, the bonds shall be sold for not less than par and accrued interest, and except that the selling price of bonds bearing interest at a rate less than the maximum rate permitted in that Act shall be such that the interest cost to the district of the money received from the bond sale shall not exceed such maximum rate annually computed to absolute maturity of such bonds or certificates according to standard tables of bond values.

(Source: P.A. 82-902; revised 7-18-24.)

Section 500. The Illinois Valley Regional Port District Act is amended by changing Section 23 as follows:

(70 ILCS 1815/23) (from Ch. 19, par. 823)

Sec. 23. The bonds or certificates shall be sold by the corporate authorities of the Port District in such manner as the Board determines except that if issued to bear interest at the maximum rate permitted in the Bond Authorization Act ~~"An~~

1 ~~Act to authorize public corporations to issue bonds, other~~
2 ~~evidences of indebtedness and tax anticipation warrants~~
3 ~~subject to interest rate limitations set forth therein",~~
4 ~~approved May 26, 1970, as now or hereafter amended,~~ the bonds
5 shall be sold for not less than par and accrued interest, and
6 except that the selling price of bonds bearing interest at a
7 rate less than the maximum rate permitted in that Act shall be
8 such that the interest cost to the District of the money
9 received from the bond sale shall not exceed such maximum rate
10 annually computed to absolute maturity of such bonds or
11 certificates according to standard tables of bond values.
12 (Source: P.A. 82-902; revised 7-18-24.)

13 Section 505. The Jackson-Union Counties Regional Port
14 District Act is amended by changing Section 9 as follows:

15 (70 ILCS 1820/9) (from Ch. 19, par. 859)

16 Sec. 9. All revenue bonds shall be payable solely from the
17 revenues or income to be derived from the terminals, terminal
18 facilities, airfields, airports, or port facilities or any
19 part thereof. The bonds may bear such date or dates and may
20 mature at such time or times not exceeding 40 years from their
21 respective dates, all as may be provided in the ordinance
22 authorizing their issuance. All bonds, whether revenue or
23 general obligation, may bear interest at such rate or rates
24 not to exceed that permitted in the Bond Authorization Act "An

1 ~~Act to authorize public corporations to issue bonds, other~~
2 ~~evidences of indebtedness and tax anticipation warrants~~
3 ~~subject to interest rate limitations set forth therein",~~
4 ~~approved May 26, 1970, as now or hereafter amended.~~ Such
5 interest may be paid semiannually. All such bonds may be in
6 such form, may carry such registration privileges, may be
7 executed in such manner, may be payable at such place or
8 places, may be made subject to redemption in such manner and
9 upon such terms, with or without premium as is stated on the
10 face thereof, may be authenticated in such manner and may
11 contain such terms and covenants, all as may be provided in the
12 ordinance authorizing issuance.

13 The holder or holders of any bonds or interest coupons
14 appertaining thereto issued by the District may bring civil
15 actions to compel the performance and observance by the
16 District or any of its officers, agents, or employees of any
17 contract or covenant made by the District with the holders of
18 such bonds or interest coupons and to compel the District and
19 any of its officers, agents, or employees to perform any
20 duties required to be performed for the benefit of the holders
21 of any such bonds or interest coupons by the provision in the
22 ordinance authorizing their issuance, and to enjoin the
23 District and any of its officers, agents, or employees from
24 taking any action in conflict with any such contract or
25 covenant, including the establishment of charges, fees, and
26 rates for the use of facilities as hereinafter provided.

1 Notwithstanding the form and tenor of any bond, whether
2 revenue or general obligation, and in the absence of any
3 express recital on the face thereof that it is nonnegotiable,
4 all such bonds shall be negotiable instruments. Pending the
5 preparation and execution of any such bonds, temporary bonds
6 may be issued with or without interest coupons as may be
7 provided by ordinance.

8 (Source: P.A. 82-902; revised 7-18-24.)

9 Section 510. The Joliet Regional Port District Act is
10 amended by changing Sections 9 and 10 as follows:

11 (70 ILCS 1825/9) (from Ch. 19, par. 259)

12 Sec. 9. All revenue bonds shall be payable solely from the
13 revenues or income to be derived from the terminals, terminal
14 facilities, airfields, airports, or port facilities or any
15 part thereof. The bonds may bear such date or dates and may
16 mature at such time or times not exceeding 40 years from their
17 respective dates, all as may be provided in the ordinance
18 authorizing their issuance. All bonds, whether revenue or
19 general obligation, may bear interest at such rate or rates as
20 permitted in the Bond Authorization Act ~~"An Act to authorize~~
21 ~~public corporations to issue bonds, other evidences of~~
22 ~~indebtedness and tax anticipation warrants subject to interest~~
23 ~~rate limitations set forth therein", approved May 26, 1970, as~~
24 ~~now or hereafter amended.~~ Such interest may be paid

1 semiannually. All such bonds may be in such form, may carry
2 such registration privileges, may be executed in such manner,
3 may be payable at such place or places, may be made subject to
4 redemption in such manner and upon such terms, with or without
5 premium as is stated on the face thereof, may be authenticated
6 in such manner and may contain such terms and covenants, all as
7 may be provided in the ordinance authorizing issuance.

8 The holder or holders of any bonds or interest coupons
9 appertaining thereto issued by the District may bring civil
10 actions to compel the performance and observance by the
11 District or any of its officers, agents, or employees of any
12 contract or covenant made by the District with the holders of
13 such bonds or interest coupons and to compel the District and
14 any of its officers, agents, or employees to perform any
15 duties required to be performed for the benefit of the holders
16 of any such bonds or interest coupons by the provision in the
17 ordinance authorizing their issuance, and to enjoin the
18 District and any of its officers, agents, or employees from
19 taking any action in conflict with any such contract or
20 covenant including the establishment of charges, fees, and
21 rates for the use of facilities as hereinafter provided.

22 Notwithstanding the form and tenor of any bond, whether
23 revenue or general obligation, and in the absence of any
24 express recital on the face thereof that it is nonnegotiable,
25 all such bonds shall be negotiable instruments. Pending the
26 preparation and execution of any such bonds, temporary bonds

1 may be issued with or without interest coupons as may be
2 provided by ordinance.

3 (Source: P.A. 82-902; revised 7-18-24.)

4 (70 ILCS 1825/10) (from Ch. 19, par. 260)

5 Sec. 10. All bonds, whether general obligation or revenue,
6 shall be sold by the Board in such manner as the Board shall
7 determine, except that if issued to bear interest at the
8 maximum rate permitted in the Bond Authorization Act ~~"An Act~~
9 ~~to authorize public corporations to issue bonds, other~~
10 ~~evidences of indebtedness and tax anticipation warrants~~
11 ~~subject to interest rate limitations set forth therein",~~
12 ~~approved May 26, 1970, as now or hereafter amended,~~ the bonds
13 shall be sold for not less than par and accrued interest and
14 except that the selling price of bonds bearing interest at a
15 rate less than the maximum rate permitted in that Act shall be
16 such that the interest cost to the District of the money
17 received from the bond sale shall not exceed such maximum rate
18 annually computed to absolute maturity of the bonds according
19 to standard tables of bond values.

20 (Source: P.A. 82-902; revised 7-18-24.)

21 Section 515. The Kaskaskia Regional Port District Act is
22 amended by changing Sections 22.1 and 23.1 as follows:

23 (70 ILCS 1830/22.1) (from Ch. 19, par. 522.1)

1 Sec. 22.1. If the Board desires to issue general
2 obligation bonds it shall adopt an ordinance specifying the
3 amount of bonds to be issued, the purpose for which they will
4 be issued, the maximum rate of interest they will bear which
5 shall not be more than that permitted in the Bond
6 Authorization Act ~~"An Act to authorize public corporations to~~
7 ~~issue bonds, other evidences of indebtedness and tax~~
8 ~~anticipation warrants subject to interest rate limitations set~~
9 ~~forth therein", approved May 26, 1970, as now or hereafter~~
10 ~~amended~~. Such interest may be paid semiannually. The ordinance
11 shall also specify the date of maturity which shall not be more
12 than 20 years after the date of issuance. This ordinance shall
13 not be effective until it has been submitted to referendum of,
14 and approved by, a majority of the legal voters of the
15 District. The Board shall certify its ordinance and the
16 proposition to the proper election officials, who shall submit
17 the proposition to the voters at an election in accordance
18 with the general election law. If a majority of the votes cast
19 upon the proposition is in favor of the issuance of such
20 general obligation bonds the District is thereafter authorized
21 to issue and, in accordance with the provisions of Section
22 25.1 of this Act, to sell the bonds specified in such ordinance
23 and to adopt an ordinance levying an annual tax against all of
24 the taxable property within the District sufficient to pay the
25 maturing principal and interest of such bonds and to file a
26 certified copy of both such ordinances in the office of the

1 county clerks of St. Clair, Monroe, and Randolph Counties.
2 Thereafter such county clerks shall annually extend taxes
3 against all the taxable property within the District at the
4 rate specified in such ordinance levying such taxes. The
5 aggregate amount of principal of general obligation bonds
6 issued under the provisions of this Section shall not exceed
7 2.5% of the assessed valuation of all taxable property in the
8 District.

9 The proposition shall be in substantially the following
10 form:

11 -----

12 Shall general obligation
13 bonds in the amount of \$....

14 be issued by the Kaskaskia YES

15 Regional Port District for

16 the purpose of, maturing

17 in not more than years, -----

18 bearing not more than%

19 interest, and a tax levied NO

20 to pay the principal and

21 interest thereof?

22 -----

23 (Source: P.A. 82-902; revised 7-18-24.)

24 (70 ILCS 1830/23.1) (from Ch. 19, par. 523.1)

25 Sec. 23.1. All revenue bonds shall be payable solely from

1 the revenues or income to be derived from the terminals,
2 terminal facilities, port facilities, aquariums, museums,
3 planetariums, climatrons, and any other building or facility
4 which the District has the power to acquire, construct,
5 reconstruct, extend, or improve, or any part thereof, may bear
6 such date or dates and may mature at such time or times not
7 exceeding 40 years from their respective dates, all as may be
8 provided in the ordinance authorizing their issuance. All
9 general obligation bonds and revenue bonds may bear interest
10 at such rate or rates not to exceed that permitted in the Bond
11 Authorization Act ~~"An Act to authorize public corporations to~~
12 ~~issue bonds, other evidences of indebtedness and tax~~
13 ~~anticipation warrants subject to interest rate limitations set~~
14 ~~forth therein", approved May 26, 1970, as now or hereafter~~
15 ~~amended~~. Such interest may be paid semiannually. All bonds,
16 whether revenue or general obligations, may be in such form,
17 may carry such registration privileges, may be executed in
18 such manner, may be payable at such place or places, may be
19 made subject to redemption in such manner and upon such terms,
20 with or without premium as is stated on the face thereof, may
21 be authenticated in such manner and may contain such terms and
22 covenants, all as may be provided in the ordinance authorizing
23 issuance.

24 The holder or holders of any bonds or interest coupons
25 appertaining thereto issued by the District may bring a civil
26 suit to compel the performance and observance by the District

1 or any of its officers, agents, or employees of any contract or
2 covenant made by the District with the holders of such bonds or
3 interest coupons and to compel the District and any of its
4 officers, agents, or employees to perform any duties required
5 to be performed for the benefit of the holders of any such
6 bonds or interest coupons by the provision in the ordinance
7 authorizing their issuance, and to enjoin the District and any
8 of its officers, agents, or employees from taking any action
9 in conflict with any such contract or covenant, including the
10 establishment of charges, fees, and rates for the use of
11 facilities as provided in this Act.

12 Notwithstanding the form and tenor of any bond, whether
13 revenue or general obligation, and in the absence of any
14 express recital on the face thereof that it is nonnegotiable,
15 all such bonds are negotiable instruments. Pending the
16 preparation and execution of any such bonds, temporary bonds
17 may be issued with or without interest coupons as may be
18 provided by ordinance.

19 (Source: P.A. 82-902; revised 7-19-24.)

20 Section 520. The Mt. Carmel Regional Port District Act is
21 amended by changing Section 12 as follows:

22 (70 ILCS 1835/12) (from Ch. 19, par. 712)

23 Sec. 12. All revenue bonds shall be payable solely from
24 the revenues or income to be derived from the terminals,

1 terminal facilities, airfields, airports, port facilities,
2 aquariums, museums, planetariums, climatrons, and any other
3 building or facilities which the District has the power to
4 acquire, construct, reconstruct, extend, or improve, or any
5 part thereof. The revenue bonds may bear such date or dates and
6 may mature at such time or times not exceeding 40 years from
7 their respective dates, as may be provided in the ordinance
8 authorizing their issuance. Both revenue and general
9 obligation bonds may bear interest at such rate or rates as
10 permitted in the Bond Authorization Act ~~"An Act to authorize~~
11 ~~public corporations to issue bonds, other evidences of~~
12 ~~indebtedness and tax anticipation warrants subject to interest~~
13 ~~rate limitations set forth therein", approved May 26, 1970, as~~
14 ~~now or hereafter amended~~, payable semi-annually, as provided
15 in the ordinance authorizing issuance. All bonds, whether
16 revenue or general obligations, may be in such form, may carry
17 such registration privileges, may be executed in such manner,
18 may be payable at such place or places, may be made subject to
19 redemption in such manner and upon such terms, with or without
20 premium as is stated on the face thereof, may be authenticated
21 in such manner and may contain such terms and covenants as
22 provided in the ordinance authorizing issuance.

23 The holder or holders of any bonds or interest coupons
24 attached thereto issued by the District may bring suit to
25 compel the performance and observance by the District or any
26 of its officers, agents, or employees of any contract or

1 covenant made by the District with the holders of such bonds or
2 interest coupons and to compel the District and any of its
3 officers, agents, or employees to perform any duties required
4 to be performed for the benefit of the holders of any such
5 bonds or interest coupons by the provision in the ordinance
6 authorizing their issuance, and to enjoin the District and any
7 of its officers, agents, or employees from taking any action
8 in conflict with any such contract or covenant, including the
9 establishment of charges, fees, and rates for the use of
10 facilities.

11 Notwithstanding the form and tenor of any bond, whether
12 revenue or general obligation, and in the absence of any
13 express recital on the face thereof that it is nonnegotiable,
14 all such bonds shall be negotiable instruments. Pending the
15 preparation and execution of any such bonds, temporary bonds
16 may be issued with or without interest coupons as provided by
17 ordinance.

18 (Source: P.A. 82-902; revised 7-19-24.)

19 Section 525. The Shawneetown Regional Port District Act is
20 amended by changing Section 9 as follows:

21 (70 ILCS 1850/9) (from Ch. 19, par. 409)

22 Sec. 9. All revenue bonds shall be payable solely from the
23 revenues or income to be derived from the terminals, terminal
24 facilities, airfields, airports, or port facilities or any

1 part thereof. The bonds may bear such date or dates and may
2 mature at such time or times not exceeding 40 years from their
3 respective dates, all as may be provided in the ordinance
4 authorizing their issuance. All bonds, whether revenue or
5 general obligation, may bear interest at such rate or rates as
6 permitted in the Bond Authorization Act ~~"An Act to authorize~~
7 ~~public corporations to issue bonds, other evidences of~~
8 ~~indebtedness and tax anticipation warrants subject to interest~~
9 ~~rate limitations set forth therein", approved May 26, 1970, as~~
10 ~~now or hereafter amended.~~ Such interest may be paid
11 semiannually. All such bonds may be in such form, may carry
12 such registration privileges, may be executed in such manner,
13 may be payable at such place or places, may be made subject to
14 redemption in such manner and upon such terms, with or without
15 premium as is stated on the face thereof, may be authenticated
16 in such manner and may contain such terms and covenants, all as
17 may be provided in the ordinance authorizing issuance.

18 The holder or holders of any bonds or interest coupons
19 appertaining thereto issued by the District may bring civil
20 actions to compel the performance and observance by the
21 District or any of its officers, agents, or employees of any
22 contract or covenant made by the District with the holders of
23 such bonds or interest coupons and to compel the District and
24 any of its officers, agents, or employees to perform any
25 duties required to be performed for the benefit of the holders
26 of any such bonds or interest coupons by the provision in the

1 ordinance authorizing their issuance, and to enjoin the
2 District and any of its officers, agents, or employees from
3 taking any action in conflict with any such contract or
4 covenant, including the establishment of charges, fees, and
5 rates for the use of facilities as hereinafter provided.

6 Notwithstanding the form and tenor of any bond, whether
7 revenue or general obligation, and in the absence of any
8 express recital on the face thereof that it is nonnegotiable,
9 all such bonds shall be negotiable instruments. Pending the
10 preparation and execution of any such bonds, temporary bonds
11 may be issued with or without interest coupons as may be
12 provided by ordinance.

13 (Source: P.A. 82-902; revised 7-19-24.)

14 Section 530. The Southwest Regional Port District Act is
15 amended by changing Sections 10 and 11 as follows:

16 (70 ILCS 1855/10) (from Ch. 19, par. 460)

17 Sec. 10. If the Board desires to issue general obligation
18 bonds it shall adopt an ordinance specifying the amount of
19 bonds to be issued, the purpose for which they will be issued,
20 the maximum rate of interest they will bear which shall not be
21 more than that permitted in the Bond Authorization Act ~~"An Act~~
22 ~~to authorize public corporations to issue bonds, other~~
23 ~~evidences of indebtedness and tax anticipation warrants~~
24 ~~subject to interest rate limitations set forth therein",~~

1 ~~approved May 26, 1970, as now or hereafter amended.~~ Such
2 interest may be paid semiannually. The ordinance shall also
3 specify the date of maturity which shall not be more than 20
4 years after the date of issuance. This ordinance shall not be
5 effective until it has been submitted to referendum of, and
6 approved by, a majority of the legal voters of the District.
7 The Board shall certify its ordinance and the proposition to
8 the proper election officials, who shall submit the
9 proposition to the voters at an election in accordance with
10 the general election law. If a majority of the votes cast upon
11 the proposition is in favor of the issuance of such general
12 obligation bonds the District shall thereafter be authorized
13 to issue and, in accordance with the provisions of Section 13
14 of this Act, to sell the bonds specified in such ordinance and
15 to adopt an ordinance levying an annual tax against all of the
16 taxable property within the District sufficient to pay the
17 maturing principal and interest of such bonds and to file a
18 certified copy of both such ordinances in the office of the
19 county clerk of St. Clair County. Thereafter, the county clerk
20 shall annually extend taxes against all the taxable property
21 within the District at the rate specified in such ordinance
22 levying such taxes. The aggregate amount of principal of
23 general obligation bonds issued under the provisions of this
24 Section ~~section of this Act~~ shall not exceed 2.5% of the
25 assessed valuation of all taxable property in the District.

26 The proposition shall be in substantially the following

1 form:

2 -----

3 Shall general obligation bonds
4 in the amount of \$.... be issued YES
5 by the Southwest Regional Port
6 District for the purpose of,
7 maturing in not more than years, -----
8 bearing not more than% interest,
9 and a tax levied to pay the principal NO
10 and interest thereof?

11 -----

12 (Source: P.A. 82-902; revised 7-24-24.)

13 (70 ILCS 1855/11) (from Ch. 19, par. 461)

14 Sec. 11. All revenue bonds shall be payable solely from
15 the revenues or income to be derived from the terminals,
16 terminal facilities, airfields, airports, port facilities,
17 aquariums, museums, planetariums, climatrons, and any other
18 building or facility which the District has the power to
19 acquire, construct, reconstruct, extend, or improve, or any
20 part thereof. The bonds may bear such date or dates and may
21 mature at such time or times not exceeding 40 years from their
22 respective dates, all as may be provided in the ordinance
23 authorizing their issuance. All general obligation bonds and
24 revenue bonds may bear interest at such rate or rates as
25 permitted in the Bond Authorization Act ~~"An Act to authorize~~

1 ~~public corporations to issue bonds, other evidences of~~
2 ~~indebtedness and tax anticipation warrants subject to interest~~
3 ~~rate limitations set forth therein", approved May 26, 1970, as~~
4 ~~now or hereafter amended.~~ Such interest may be paid
5 semiannually. All bonds, whether revenue or general
6 obligations, may be in such form, may carry such registration
7 privileges, may be executed in such manner, may be payable at
8 such place or places, may be made subject to redemption in such
9 manner and upon such terms, with or without premium as is
10 stated on the face thereof, may be authenticated in such
11 manner, and may contain such terms and covenants, all as may be
12 provided in the ordinance authorizing issuance.

13 The holder or holders of any bonds or interest coupons
14 appertaining thereto issued by the District may bring civil
15 actions to compel the performance and observance by the
16 District or any of its officers, agents, or employees of any
17 contract or covenant made by the District with the holders of
18 such bonds or interest coupons and to compel the District and
19 any of its officers, agents, or employees to perform any
20 duties required to be performed for the benefit of the holders
21 of any such bonds or interest coupons by the provision in the
22 ordinance authorizing their issuance, and to enjoin the
23 District and any of its officers, agents, or employees from
24 taking any action in conflict with any such contract or
25 covenant, including the establishment of charges, fees, and
26 rates for the use of facilities as hereinafter provided.

1 Notwithstanding the form and tenor of any bond, whether
2 revenue or general obligation, and in the absence of any
3 express recital on the face thereof that it is nonnegotiable,
4 all such bonds shall be negotiable instruments. Pending the
5 preparation and execution of any such bonds, temporary bonds
6 may be issued with or without interest coupons as may be
7 provided by ordinance.

8 (Source: P.A. 82-902; revised 7-24-24.)

9 Section 535. The America's Central Port District Act is
10 amended by changing Section 8 as follows:

11 (70 ILCS 1860/8) (from Ch. 19, par. 291)

12 Sec. 8. The District has the continuing power to borrow
13 money and issue either general obligation bonds, after
14 approval by referendum as hereinafter provided, or revenue
15 bonds without referendum approval for the purpose of
16 acquiring, constructing, reconstructing, extending, or
17 improving terminals, terminal facilities, airfields, airports,
18 and port facilities, and for acquiring any property and
19 equipment useful for the construction, reconstruction,
20 extension, improvement, or operation of its terminals,
21 terminal facilities, airfields, airports, and port facilities,
22 and for acquiring necessary working cash funds.

23 The District may, pursuant to ordinance adopted by the
24 Board and without submitting the question to referendum, from

1 time to time issue and dispose of its interest bearing revenue
2 bonds and may also in the same manner from time to time issue
3 and dispose of its interest bearing revenue bonds to refund
4 any revenue bonds at maturity or pursuant to redemption
5 provisions or at any time before maturity with the consent of
6 the holders thereof.

7 If the Board desires to issue general obligation bonds it
8 shall adopt an ordinance specifying the amount of bonds to be
9 issued, the purpose for which they will be issued, the maximum
10 rate of interest they will bear which shall not be greater than
11 that permitted in the Bond Authorization Act ~~"An Act to~~
12 ~~authorize public corporations to issue bonds, other evidences~~
13 ~~of indebtedness and tax anticipation warrants subject to~~
14 ~~interest rate limitations set forth therein", approved May 26,~~
15 ~~1970, as now or hereafter amended.~~ Such interest may be paid
16 semiannually. The ordinance shall also specify the date of
17 maturity which shall not be more than 20 years after the date
18 of issuance, and levying a tax that will be required to
19 amortize such bonds. This ordinance is not effective until it
20 has been submitted to referendum of, and approved by, the
21 legal voters of the District. The Board shall certify the
22 ordinance and the question to the proper election officials,
23 who shall submit the question to the voters at an election in
24 accordance with the general election law. If a majority of the
25 vote is in favor of the issuance of the general obligation
26 bonds the county clerk shall annually extend taxes against all

1 taxable property within the District at a rate sufficient to
2 pay the maturing principal and interest of these bonds.

3 The question shall be in substantially the following form:

4 -----

5 Shall general obligation bonds

6 in the amount of \$.... be issued YES

7 by America's Central Port

8 District for the purpose of

9 maturing in not more than

10 years, bearing not more than% NO

11 interest, and a tax levied to pay

12 the principal and interest thereof?

13 -----

14 (Source: P.A. 98-854, eff. 1-1-15; revised 7-24-24.)

15 Section 540. The Waukegan Port District Act is amended by
16 changing Section 9 as follows:

17 (70 ILCS 1865/9) (from Ch. 19, par. 187)

18 Sec. 9. All revenue bonds shall be payable solely from the
19 revenues or income to be derived from the terminals, terminal
20 facilities, airfields, airports, or port facilities or any
21 part thereof. The Bonds may bear such date or dates and may
22 mature at such time or times not exceeding 40 years from their
23 respective dates, all as may be provided in the ordinance
24 authorizing their issuance. All bonds, whether revenue or

1 general obligation, may bear interest at such rate or rates
2 not to exceed that permitted in the Bond Authorization Act ~~"An~~
3 ~~Act to authorize public corporations to issue bonds, other~~
4 ~~evidences of indebtedness and tax anticipation warrants~~
5 ~~subject to interest rate limitations set forth therein",~~
6 ~~approved May 26, 1970, as now or hereafter amended.~~ Such
7 interest may be paid semiannually. All such bonds may be in
8 such form, may carry such registration privileges, may be
9 executed in such manner, may be payable at such place or
10 places, may be made subject to redemption in such manner and
11 upon such terms, with or without premium as is stated on the
12 face thereof, may be authenticated in such manner, and may
13 contain such terms and covenants, all as may be provided in the
14 ordinance authorizing issuance.

15 The holder or holders of any bonds or interest coupons
16 appertaining thereto issued by the District may bring civil
17 actions to compel the performance and observance by the
18 District or any of its officers, agents, or employees of any
19 contract or covenant made by the District with the holders of
20 such bonds or interest coupons and to compel the District and
21 any of its officers, agents, or employees to perform any
22 duties required to be performed for the benefit of the holders
23 of any such bonds or interest coupons by the provision in the
24 ordinance authorizing their issuance, and to enjoin the
25 District and any of its officers, agents, or employees from
26 taking any action in conflict with any such contract or

1 covenant, including the establishment of charges, fees, and
2 rates for the use of facilities as hereinafter provided.

3 Notwithstanding the form and tenor of any bond, whether
4 revenue or general obligation, and in the absence of any
5 express recital on the face thereof that it is nonnegotiable,
6 all such bonds shall be negotiable instruments. Pending the
7 preparation and execution of any such bonds, temporary bonds
8 may be issued with or without interest coupons as may be
9 provided by ordinance.

10 (Source: P.A. 82-902; revised 7-24-24.)

11 Section 545. The White County Port District Act is amended
12 by changing Section 17 as follows:

13 (70 ILCS 1870/17) (from Ch. 19, par. 767)

14 Sec. 17. The bonds or certificates shall be sold by the
15 corporate authorities of the Port District in such manner as
16 the Board determines, except that if issued to bear interest
17 at the maximum rate permitted in the Bond Authorization Act
18 ~~"An Act to authorize public corporations to issue bonds, other~~
19 ~~evidences of indebtedness and tax anticipation warrants~~
20 ~~subject to interest rate limitations set forth therein",~~
21 ~~approved May 26, 1970, as now or hereafter amended,~~ the bonds
22 shall be sold for not less than par and accrued interest, and
23 except that the selling price of the bonds bearing interest at
24 a rate less than the maximum rate permitted in that Act shall

1 be such that the interest cost to the district of the money
2 received from the bond sale shall not exceed such maximum rate
3 annually computed to absolute maturity of such bonds or
4 certificates according to standard tables of bond values.

5 (Source: P.A. 82-902; revised 7-26-24.)

6 Section 550. The River Conservancy Districts Act is
7 amended by changing Section 11 as follows:

8 (70 ILCS 2105/11) (from Ch. 42, par. 394)

9 Sec. 11. (1) The board of trustees of a conservancy
10 district incorporated under this Act may acquire, by gift,
11 purchase, or lease, land or any of the facilities enumerated
12 below, and may construct, develop, operate, extend, and
13 improve such facilities:

14 (a) Dams and reservoirs for water storage, water
15 wells, water purification works, pumping stations,
16 conduits, pipe lines, regulating works, and all
17 appurtenances required for the production and delivery of
18 adequate and pure water to incorporated cities and
19 villages, corporations, and persons in unincorporated
20 areas within or without the borders of the conservancy
21 district. The board is empowered and legally obligated to
22 build, operate, and maintain such water facilities, to
23 adopt and enforce ordinances for the protection of water
24 sources, and to sell water to the incorporated cities and

1 villages and the corporations and persons in
2 unincorporated areas by meter measurements and at rates
3 that will at least defray all fixed, maintenance and
4 operating expenses.

5 (b) Sewage treatment plants, collector, interceptor,
6 and outlet sewers, force mains, conduits, lateral sewers,
7 and extensions, pumping stations, ejector stations, and
8 all other appurtenances, extensions, or improvements
9 necessary or useful and convenient for the sanitary
10 collection, treatment, and disposal of sewage and
11 industrial wastes. The board may prohibit and disconnect
12 storm water drains and outlets where necessary to relieve
13 existing sanitary sewers of storm water loads in order to
14 assure the efficient and sanitary collection, treatment,
15 and disposal of sewage and industrial wastes. The board is
16 empowered and legally obligated to establish rates and
17 charges for the services of any such sewerage facilities
18 that at least defray all fixed, maintenance, and operating
19 expenses.

20 (c) Lodges, cottages, trailer courts, and camping
21 grounds, marinas and related facilities for the
22 accommodation and servicing of boats, tennis courts,
23 swimming pools, golf courses, skating rinks, skeet ranges,
24 playgrounds, stables, bridle paths, and athletic fields,
25 picnic grounds and parking areas, convention and
26 entertainment centers, and other related buildings and

1 facilities for the accommodation and recreation of persons
2 visiting the reservoirs owned by the district or from
3 which it is drawing a supply of water. Any such
4 facilities, when acquired, may be leased by the board to a
5 responsible person, firm, or corporation for operation
6 over a period not longer than 20 years from the date of the
7 lease, or the board may lease, for a period not longer than
8 50 years from the date of the lease, land to a responsible
9 person, firm, or corporation for development for any of
10 the foregoing recreational purposes and may grant to such
11 person, firm, or corporation the right, at the option of
12 the person, firm, or corporation, to extend the lease for
13 a period not longer than 50 years from the expiration of
14 the original lease. If the board determines to operate any
15 such recreational facilities, it shall establish for the
16 revenue-producing facilities rates and charges which at
17 least defray all fixed, maintenance, and operating
18 expenses.

19 (2) The board of trustees of the Rend Lake Conservancy
20 District may acquire, by gift, purchase, or lease, land or
21 facilities specified below, and may construct, develop,
22 operate, extend, and improve such facilities:

23 Industrial projects consisting of one or more buildings
24 and other structures, improvements, machinery, and equipment
25 suitable for use by any manufacturing, industrial, research, or
26 or commercial enterprise and any other improvements necessary

1 or convenient thereto. Any such facilities, when acquired, may
2 be leased for operation for a period not longer than 20 years
3 after the date of the commencement of the lease, or the board
4 may lease, for a period not longer than 50 years after the date
5 of the commencement of the lease, land to a responsible
6 person, firm, or corporation for development of any of the
7 foregoing industrial projects and may grant to such person,
8 firm or corporation the right, at the option of the person,
9 firm or corporation, to extend the lease for a period not
10 longer than 50 years from the date of expiration of the
11 original lease. If the board decides to operate any such
12 industrial projects, it shall establish for the revenue
13 producing facilities rates and charges which will at least
14 defray all fixed, maintenance, and operating expenses.
15 However, nothing in Public Act 83-785 ~~this amendatory Act of~~
16 ~~1983~~ shall permit the Rend Lake Conservancy District to
17 acquire, purchase, lease, construct, develop, operate, or
18 extend a facility for the purpose of mining coal.

19 (3) For the purpose of developing, operating, or financing
20 the cost of any such facilities under subsection (1) or (2),
21 the authorized board may combine into one system any 2 or more
22 such facilities and may use or pledge the revenues derived
23 from one to pay for the other.

24 Further, for such purposes, the authorized board shall
25 have the express power to execute a note or notes and to
26 execute a mortgage or trust deed to secure the payment of such

1 notes; such trust deed or mortgage shall cover real estate, or
2 some part thereof, or personal property owned by the District
3 and the lien of the mortgage shall apply to the real estate or
4 personal property so mortgaged by the District, and the
5 proceeds of the note or notes may be used for the purposes set
6 forth in this Section.

7 For purposes of this Section, the authorized board shall
8 not execute notes bearing a rate of interest that exceeds the
9 rate permitted in the Bond Authorization Act ~~"An Act to~~
10 ~~authorize public corporations to issue bonds, other evidences~~
11 ~~of indebtedness and tax anticipation warrants subject to~~
12 ~~interest rate limitations set forth therein", approved May 26,~~
13 ~~1970, as now or hereafter amended.~~

14 (Source: P.A. 83-785; revised 7-29-24.)

15 Section 555. The Sanitary District Act of 1907 is amended
16 by changing Section 16.2 as follows:

17 (70 ILCS 2205/16.2) (from Ch. 42, par. 262.2)

18 Sec. 16.2. All bonds issued pursuant to this Act shall
19 bear interest at a rate or rates not exceeding that permitted
20 by the Bond Authorization Act ~~"An Act to authorize public~~
21 ~~corporations to issue bonds, other evidences of indebtedness~~
22 ~~and tax anticipation warrants subject to interest rate~~
23 ~~limitations set forth therein", approved May 26, 1970, as~~
24 ~~amended.~~

(Source: P.A. 83-591; revised 7-31-24.)

Section 560. The North Shore Water Reclamation District Act is amended by changing Sections 9.1 and 22 as follows:

(70 ILCS 2305/9.1) (from Ch. 42, par. 285.1)

Sec. 9.1. All bonds issued pursuant to this Act shall bear interest at a rate or rates not exceeding that permitted by the Bond Authorization Act ~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended.~~

(Source: P.A. 83-591; revised 7-31-24.)

(70 ILCS 2305/22) (from Ch. 42, par. 296.2)

Sec. 22. When any special assessment is made under this Act, the ordinance authorizing such assessment may provide that the entire assessment and each individual assessment be divided into annual installments, not more than 20 ~~twenty~~ in number. In all cases such division shall be made so that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment so as to leave the remaining installments of the aggregate equal in amount and each a multiple of \$100. The said several installments shall bear interest at a rate not to exceed that

1 permitted for public corporation bonds under the Bond
2 Authorization Act ~~"An Act to authorize public corporations to~~
3 ~~issue bonds, other evidences of indebtedness and tax~~
4 ~~anticipation warrants subject to interest rate limitations set~~
5 ~~forth therein", approved May 26, 1970, as now or hereafter~~
6 ~~amended~~, except that for the purposes of this Section, "the
7 time the contract is made" shall mean the date of adoption of
8 the original ordinance authorizing the assessment; both
9 principal and interest shall be payable, collected, and
10 enforced as they shall become due in the manner provided for
11 the levy, payment, collection, and enforcement of such
12 assessments and interest, as provided in Divisions 1 and 2 of
13 Article 9 and Division 87 of Article 11 of the "Illinois
14 Municipal Code", ~~approved May 29, 1961, as heretofore or~~
15 ~~hereafter amended.~~

16 (Source: P.A. 83-1525; revised 7-31-24.)

17 Section 565. The Sanitary District Act of 1917 is amended
18 by changing Sections 3, 8.2, 16.3, and 20 as follows:

19 (70 ILCS 2405/3) (from Ch. 42, par. 301)

20 Sec. 3. Board of trustees; creation; term. A board of
21 trustees shall be created, consisting of 5 members in any
22 sanitary district which includes one or more municipalities
23 with a population of over 90,000 but less than 500,000
24 according to the most recent Federal census, and consisting of

1 3 members in any other district. However, the board of
2 trustees for the Fox River Water Reclamation District, the
3 Sanitary District of Decatur, and the Northern Moraine
4 Wastewater Reclamation District shall each consist of 5
5 members. Each board of trustees shall be created for the
6 government, control, and management of the affairs and
7 business of each sanitary district organized under this Act
8 and shall be created in the following manner:

9 (1) If the district's corporate boundaries are located
10 wholly within a single county, the presiding officer of
11 the county board, with the advice and consent of the
12 county board, shall appoint the trustees for the district;

13 (2) If the district's corporate boundaries are located
14 in more than one county, the members of the General
15 Assembly whose legislative districts encompass any portion
16 of the district shall appoint the trustees for the
17 district.

18 In any sanitary district which shall have a 3-member ~~3~~
19 ~~member~~ board of trustees, within 60 days after the adoption of
20 such act, the appropriate appointing authority shall appoint
21 three trustees not more than 2 of whom shall be from one
22 incorporated city, town, or village in districts in which are
23 included 2 or more incorporated cities, towns, or villages, or
24 parts of 2 or more incorporated cities, towns, or villages,
25 who shall hold their office respectively for one ~~1~~, 2, and 3
26 years, from the first Monday of May next after their

1 appointment and until their successors are appointed and have
2 qualified, and thereafter on or before the second Monday in
3 April of each year the appropriate appointing authority shall
4 appoint one trustee whose term shall be for 3 years commencing
5 the first Monday in May of the year in which he is appointed.
6 The length of the term of the first trustees shall be
7 determined by lot at their first meeting.

8 In the case of any sanitary district created after January
9 1, 1978 in which a 5-member ~~5-member~~ board of trustees is
10 required, the appropriate appointing authority shall appoint 5
11 trustees, one of whom shall hold office for one year, two of
12 whom shall hold office for 2 years, and 2 of whom shall hold
13 office for 3 years from the first Monday of May next after
14 their respective appointments and until their successors are
15 appointed and have qualified. Thereafter, on or before the
16 second Monday in April of each year the appropriate appointing
17 authority shall appoint one trustee or 2 trustees, as shall be
18 necessary to maintain a 5-member ~~5-member~~ board of trustees,
19 whose terms shall be for 3 years commencing the first Monday in
20 May of the year in which they are respectively appointed. The
21 length of the terms of the first trustees shall be determined
22 by lot at their first meeting.

23 In any sanitary district created prior to January 1, 1978
24 in which a 5-member ~~5-member~~ board of trustees is required as
25 of January 1, 1978, the two trustees already serving terms
26 which do not expire on May 1, 1978 shall continue to hold

1 office for the remainders of their respective terms, and 3
2 trustees shall be appointed by the appropriate appointing
3 authority by April 10, 1978 and shall hold office for terms
4 beginning May 1, 1978. Of the three new trustees, one shall
5 hold office for 2 years and 2 shall hold office for 3 years
6 from May 1, 1978 and until their successors are appointed and
7 have qualified. Thereafter, on or before the second Monday in
8 April of each year the appropriate appointing authority shall
9 appoint one trustee or 2 trustees, as shall be necessary to
10 maintain a 5-member ~~5-member~~ board of trustees, whose terms
11 shall be for 3 years commencing the first Monday in May of the
12 year in which they are respectively appointed. The lengths of
13 the terms of the trustees who are to hold office beginning May
14 1, 1978 shall be determined by lot at their first meeting after
15 May 1, 1978.

16 No more than 3 members of a 5-member ~~5-member~~ board of
17 trustees may be of the same political party; except that in any
18 sanitary district which otherwise meets the requirements of
19 this Section and which lies within 4 counties of the State of
20 Illinois or, prior to April 30, 2008, in the Fox River Water
21 Reclamation District; the appointments of the 5 members of the
22 board of trustees shall be made without regard to political
23 party. Beginning with the appointments made on April 30, 2008,
24 all appointments to the board of trustees of the Fox River
25 Water Reclamation District shall be made so that no more than 3
26 of the 5 members are from the same political party.

1 Beginning with the 2021 municipal election, the board of
2 trustees of the Fox Metro Water Reclamation District shall be
3 elected as provided in this paragraph. The election of
4 trustees shall be in accordance with Section 2A-1.1 of the
5 Election Code. Any board member serving on August 23, 2019
6 (the effective date of Public Act 101-523) ~~this amendatory Act~~
7 ~~of the 101st General Assembly~~ whose term does not expire in
8 2021 shall serve until his or her successor is elected and
9 qualified. The board of trustees of the Fox Metro Water
10 Reclamation District shall: on or before January 1, 2020,
11 divide the Fox Metro Water Reclamation District into 5 trustee
12 districts and assign the trustee districts to reflect the
13 results of the most recent federal decennial census; and
14 thereafter, in the year following each decennial census,
15 redistrict the trustee districts to reflect the results of the
16 most recent census. The board of trustees shall consist of 1
17 elected trustee in each trustee district. A petition for
18 nomination for election of a trustee of the Fox Metro Water
19 Reclamation District shall contain at least 100 signatures of
20 registered voters residing within the Fox Metro Water
21 Reclamation District. The trustees shall be elected for
22 staggered terms at the election as provided by the Election
23 Code. Two trustees shall be elected at the 2021 election, and 3
24 trustees shall be elected at the following consolidated
25 election. Elected trustees shall take office on the first
26 Tuesday after the first Monday in the month following the

1 month of their election and shall hold their offices for 4
2 years and until their successors are elected and qualified. If
3 a vacancy occurs before the 2021 election on the board of
4 trustees of the Fox Metro Water Reclamation District: (i) the
5 District Manager shall, no later than 7 days from the date of
6 the vacancy, notify the State legislators representing any
7 portion of the District, publish notification of the vacancy
8 on the District's website, and send notification of the
9 vacancy to local newspapers, radio stations, and television
10 stations; (ii) each notification published or sent shall
11 contain instructions on how to apply to the District Manager
12 for the vacant trustee position; (iii) applications for the
13 vacancy shall be accepted for at least 30 days after the date
14 the notification of the vacancy was published and sent; (iv)
15 applications for the vacancy shall include a letter of
16 interest and resume; (v) once the application period has
17 closed, the District Manager shall forward all applications
18 received to the State legislators notified of the vacancy in
19 item (i); (vi) the President of the board of trustees and the
20 District Manager shall hold a public meeting with the State
21 legislators notified of the vacancy to review all applications
22 and, by unanimous vote of all State legislators representing
23 any portion of the District, select a candidate to fill the
24 trustee vacancy; and (vii) the board of trustees shall appoint
25 the selected candidate at the next board of trustees meeting.
26 If a vacancy exists after the 2021 election on the board of

1 trustees of the Fox Metro Water Reclamation District, the
2 vacancy shall be filled by appointment by the president of the
3 board of trustees, with the advice and consent of the members
4 of the board of trustees, until the next regular election at
5 which trustees of the district are elected, and shall be made a
6 matter of record in the office of the county clerk in the
7 county where the district is located; for a vacancy filled by
8 appointment, the portion of the unexpired term remaining after
9 the next regular election at which trustees of the district
10 are elected shall be filled by election, as provided for in
11 this paragraph.

12 Within 60 days after the release of Federal census
13 statistics showing that a sanitary district having a 3-member
14 ~~3-member~~ board of trustees contains one or more municipalities
15 with a population over 90,000 but less than 500,000, or, for
16 the Northern Moraine Wastewater Reclamation District, within
17 60 days after September 11, 2007 (the effective date of Public
18 Act 95-608) ~~this amendatory Act of the 95th General Assembly,~~
19 the appropriate appointing authority shall appoint 2
20 additional trustees to the board of trustees, one to hold
21 office for 2 years and one to hold office for 3 years from the
22 first Monday of May next after their appointment and until
23 their successors are appointed and have qualified. The lengths
24 of the terms of these two additional members shall be
25 determined by lot at the first meeting of the board of trustees
26 held after the additional members take office. The three

1 trustees already holding office in the sanitary district shall
2 continue to hold office for the remainders of their respective
3 terms. Thereafter, on or before the second Monday in April of
4 each year the appropriate appointing authority shall appoint
5 one trustee or 2 trustees, as shall be necessary to maintain a
6 5-member ~~5-member~~ board of trustees, whose terms shall be for 3
7 years commencing the first Monday in May of the year in which
8 they are respectively appointed.

9 If any sanitary district having a 5-member ~~5-member~~ board
10 of trustees shall cease to contain one or more municipalities
11 with a population over 90,000 but less than 500,000 according
12 to the most recent Federal census, then, for so long as that
13 sanitary district does not contain one or more such
14 municipalities, on or before the second Monday in April of
15 each year the appropriate appointing authority shall appoint
16 one trustee whose term shall be for 3 years commencing the
17 first Monday in May of the year in which he is appointed. In
18 districts which include 2 or more incorporated cities, towns,
19 or villages, or parts of 2 or more incorporated cities, towns,
20 or villages, all of the trustees shall not be from one
21 incorporated city, town or village.

22 If a vacancy occurs on any board of trustees, the
23 appropriate appointing authority shall within 60 days appoint
24 a trustee who shall hold office for the remainder of the
25 vacated term.

26 The appointing authority shall require each of the

1 trustees to enter into bond, with security to be approved by
2 the appointing authority, in such sum as the appointing
3 authority may determine.

4 A majority of the board of trustees shall constitute a
5 quorum but a smaller number may adjourn from day to day. No
6 trustee or employee of such district shall be directly or
7 indirectly interested in any contract, work or business of the
8 district, or the sale of any article, the expense, price, or
9 consideration of which is paid by such district; nor in the
10 purchase of any real estate or property belonging to the
11 district, or which shall be sold for taxes or assessments, or
12 by virtue of legal process at the suit of the district.
13 Provided, that nothing herein shall be construed as
14 prohibiting the appointment or selection of any person as
15 trustee or employee whose only interest in the district is as
16 owner of real estate in the district or of contributing to the
17 payment of taxes levied by the district. The trustees shall
18 have the power to provide and adopt a corporate seal for the
19 district.

20 Notwithstanding any other provision in this Section, in
21 any sanitary district created prior to November 22, 1985 (the
22 effective date of Public Act 84-1033) ~~this amendatory Act of~~
23 ~~1985~~, in which a 5-member ~~five member~~ board of trustees has
24 been appointed and which currently includes one or more
25 municipalities with a population of over 90,000 but less than
26 500,000, the board of trustees shall consist of five members.

1 Except as otherwise provided for vacancies, in the event
2 that the appropriate appointing authority fails to appoint a
3 trustee under this Section, the appropriate appointing
4 authority shall reconvene and appoint a successor on or before
5 July 1 of that year.

6 (Source: P.A. 101-523, eff. 8-23-19; revised 7-31-24.)

7 (70 ILCS 2405/8.2) (from Ch. 42, par. 307.2)

8 Sec. 8.2. All bonds issued pursuant to this Act shall bear
9 interest at a rate or rates not exceeding that permitted by the
10 Bond Authorization Act ~~"An Act to authorize public~~
11 ~~corporations to issue bonds, other evidences of indebtedness~~
12 ~~and tax anticipation warrants subject to interest rate~~
13 ~~limitations set forth therein", approved May 26, 1970, as~~
14 ~~amended.~~

15 (Source: P.A. 83-591; revised 7-19-24.)

16 (70 ILCS 2405/16.3) (from Ch. 42, par. 315.3)

17 Sec. 16.3. The trustees of any district, having been
18 authorized by an election held pursuant to the preceding
19 Section, being desirous of exercising such authority, shall
20 have an estimate made of the cost of the acquisition of the
21 contemplated waterworks, and by ordinance shall provide for
22 the issuance of revenue bonds. The ordinance shall set forth a
23 brief description of the contemplated waterworks, the
24 estimated cost of acquisition or construction thereof, the

1 amount, rate of interest, time and place of payment, and other
2 details in connection with the issuance of the bonds. The
3 bonds shall bear interest at a rate not exceeding that
4 permitted by the Bond Authorization Act ~~"An Act to authorize~~
5 ~~public corporations to issue bonds, other evidences of~~
6 ~~indebtedness and tax anticipation warrants subject to interest~~
7 ~~rate limitations set forth therein", approved May 26, 1970, as~~
8 ~~amended~~, payable semi-annually, and shall be payable at such
9 times and places not exceeding 20 years from their date as
10 shall be prescribed in the ordinance providing for their
11 issuance.

12 This ordinance may contain such covenants and restrictions
13 upon the issuance of additional revenue bonds thereafter as
14 may be deemed necessary or advisable for the assurance of
15 payment of the bonds thereby authorized and as may be
16 thereafter issued, and shall pledge the revenues derived from
17 the operation of the waterworks for the purpose of paying all
18 maintenance and operation costs, principal, and interest on
19 all bonds issued under the provisions of this Act, and for
20 providing an adequate depreciation fund, which depreciation
21 fund is hereby defined for the purposes of this Act to be for
22 such replacements as may be necessary from time to time for the
23 continued effective and efficient operation of the waterworks
24 properties of such district, and such fund shall not be
25 allowed to accumulate beyond a reasonable amount necessary for
26 that purpose, the terms and provisions of which shall be

1 incorporated in the ordinance authorizing the issuance of the
2 bonds.

3 (Source: P.A. 83-591; revised 7-19-24.)

4 (70 ILCS 2405/20) (from Ch. 42, par. 317b)

5 Sec. 20. When any special assessment is made under this
6 Act, the ordinance authorizing such assessment may provide
7 that the entire assessment and each individual assessment be
8 divided into annual installments, not more than 20 ~~twenty~~ in
9 number. In all cases such division shall be made so that all
10 installments shall be equal in amount, except that all
11 fractional amounts shall be added to the first installment so
12 as to leave the remaining installments of the aggregate equal
13 in amount and each a multiple of \$100 ~~one hundred dollars~~. The
14 said several installments shall bear interest at a rate not to
15 exceed that permitted for public corporation bonds under the
16 Bond Authorization Act ~~"An Act to authorize public~~
17 ~~corporations to issue bonds, other evidences of indebtedness~~
18 ~~and tax anticipation warrants subject to interest rate~~
19 ~~limitations set forth therein", approved May 26, 1970, as now~~
20 ~~or hereafter amended~~, except that for the purposes of this
21 Section, "the time the contract is made" shall mean the date of
22 adoption of the original ordinance authorizing the assessment;
23 both principal and interest shall be payable, collected, and
24 enforced as they shall become due in the manner provided for
25 the levy, payment, collection, and enforcement of such

1 assessments and interest, as provided in Article 9 and
2 Division 87 of Article 11 of the "Illinois Municipal Code," ~~as~~
3 ~~heretofore and hereafter amended.~~

4 (Source: P.A. 83-1525; revised 7-19-24.)

5 Section 570. The Metropolitan Water Reclamation District
6 Act is amended by changing Sections 9b, 9d, 9.6, and 10.1 as
7 follows:

8 (70 ILCS 2605/9b) (from Ch. 42, par. 328b)

9 Sec. 9b. From and after April 1, 1958, the corporate
10 authorities of any such sanitary district may by ordinance,
11 establish a fund to be known as a "corporate working cash fund"
12 which shall be maintained and administered in the manner
13 provided by this Act for the purpose of enabling said
14 corporate authorities to have in the treasury at all times
15 sufficient money to meet demands thereon for ordinary and
16 necessary expenditures for corporate purposes.

17 The corporate authorities may incur an indebtedness and
18 issue bonds therefor in an amount, when added to (a) proceeds
19 from the sale of bonds previously issued to create or increase
20 the working cash fund (b) any amounts collected from the
21 corporate working cash levy and (c) amounts transferred from
22 the construction working cash fund, will not exceed 90% of the
23 amount produced by multiplying the maximum corporate tax rate
24 permitted under this Act by the last known equalized assessed

1 valuation of all property within the territorial boundaries of
2 the sanitary district at the time any bonds are issued plus 90%
3 of the last known entitlement of such district to such taxes as
4 by law now or hereafter enacted or amended, imposed by the
5 General Assembly of the State of Illinois to replace revenue
6 lost by units of local government and school districts as a
7 result of the abolition of ad valorem personal property taxes,
8 pursuant to Article IX, Section 5(c) of the Constitution of
9 the State of Illinois. The bonds shall mature within 20 years
10 from the date of issuance and shall bear interest at a rate or
11 rates not exceeding that permitted by the Bond Authorization
12 Act ~~"An Act to authorize public corporations to issue bonds,~~
13 ~~other evidences of indebtedness and tax anticipation warrants~~
14 ~~subject to interest rate limitations set forth therein",~~
15 ~~approved May 26, 1970, as amended.~~

16 In order to authorize and issue such bonds, the corporate
17 authorities shall adopt an ordinance designating the purpose
18 and fixing the date and the amount of the bonds proposed to be
19 issued, the maturity thereof, the rate of interest thereon,
20 place of payment and denomination, and provide for the levy
21 and collection of a direct annual tax upon all the taxable
22 property of the sanitary district sufficient to pay and
23 discharge the principal thereof at maturity, and to pay the
24 interest thereon as it falls due. Upon the filing in the office
25 of the county clerk of the county where the sanitary district
26 is located of a certified copy of any such ordinance, the

1 county clerk shall extend the tax therein provided for.

2 Said bonds may be issued by the corporate authorities
3 without submitting the question of issuance to the legal
4 voters of such sanitary district for approval.

5 Before or at the time of issuing said corporate working
6 cash fund bonds the corporate authorities shall, by ordinance
7 provide for the collection of a direct annual tax upon all the
8 taxable property of the sanitary district sufficient to pay
9 and discharge the principal thereof at maturity, and to pay
10 the interest thereon as it falls due. Upon the filing in the
11 office of the county clerk of the county where the sanitary
12 district is located of a certified copy of any such ordinance,
13 the county clerk shall extend the tax therein provided for.

14 All moneys derived from the issuance of said corporate
15 working cash fund bonds pursuant to this Amendatory Act of
16 1957, when received by the treasurer of the district, shall be
17 set apart in the corporate working cash fund. The moneys in
18 such fund shall not be regarded as current assets available
19 for appropriation and shall not be appropriated by the
20 corporate authorities in the annual sanitary district budget,
21 but in order to provide moneys with which to meet ordinary and
22 necessary disbursements for salaries and other corporate
23 purposes may be transferred, in whole or in part, to the
24 corporate fund of the sanitary district and so disbursed
25 therefrom in anticipation of the collection of any taxes
26 lawfully levied for corporate purposes or in the anticipation

1 of the receipt of such taxes, as by law now or hereafter
2 enacted or amended, imposed by the General Assembly of the
3 State of Illinois to replace revenue lost by units of local
4 government and school districts as a result of the abolition
5 of ad valorem personal property taxes, pursuant to Article IX,
6 Section 5(c) of the Constitution of the State of Illinois.
7 Moneys transferred to the corporate fund in anticipation of
8 the collection of taxes shall be deemed to have been
9 transferred in anticipation of the collection of that part of
10 the taxes so levied which is in excess of the amount or amounts
11 thereof required to pay any warrants or notes, and the
12 interest thereon theretofore or thereafter issued, and such
13 taxes levied for corporate purposes when collected shall be
14 applied first to the payment of any such warrants or notes and
15 the interest thereon and then to the reimbursement of the
16 corporate working cash fund as hereinafter provided. Upon the
17 receipt by the treasurer of the sanitary district of any taxes
18 in anticipation of the collection or receipt whereof moneys of
19 the corporate working cash fund have been so transferred for
20 disbursement, such fund shall immediately be reimbursed
21 therefrom until the full amount so transferred has been
22 retransferred to said fund. If the taxes in anticipation of
23 the collection of which such transfers are made are not
24 collected in sufficient amounts to effect a complete
25 reimbursement of the working cash fund within the second
26 budget year following the year in which said transfer was

1 made, of the amounts transferred from the corporate working
2 cash fund to the corporate fund, the deficiencies between the
3 amounts thus transferred and the amounts repaid from
4 collection shall be general obligations of the corporate fund
5 until repaid either from taxes in anticipation of which
6 transfers were made or from appropriations which may be made
7 in the annual sanitary district budgets of sums of money to
8 apply on such general obligations or until repaid from both
9 the taxes in anticipation of which such transfers were made
10 and from appropriations which may be made in the annual
11 sanitary district budgets of sums of money to apply on such
12 general obligations.

13 Moneys shall be transferred from the corporate working
14 cash fund to the corporate fund only upon the authority of the
15 corporate authorities, which shall by resolution direct the
16 treasurer of the sanitary district to make such transfers. The
17 resolution shall set forth (a) the taxes or funds in
18 anticipation of the collection or receipt of which the
19 corporate working cash fund is to be reimbursed, (b) for a
20 transfer in anticipation of the extension of real estate
21 taxes, the entire amount of taxes extended, or which the board
22 shall estimate will be extended, for any year by the county
23 clerk upon the books of the collectors of State ~~state~~ and
24 county taxes within the sanitary district in anticipation of
25 all or part of which such transfer is to be made, (c) for a
26 transfer in anticipation of such taxes, hereinabove referred

1 to, to replace revenue lost by units of local government and
2 school districts as a result of the abolition of ad valorem
3 personal property taxes, the amount of such taxes which the
4 board shall estimate will be received, (d) the aggregate
5 amount of warrants or notes theretofore issued in anticipation
6 of the collection of such taxes, (e) the aggregate amount of
7 receipts from taxes imposed to replace revenue lost by units
8 of local government and school districts as a result of the
9 abolition of ad valorem personal property taxes, pursuant to
10 Article IX, Section 5(c) of the Constitution of the State of
11 Illinois, which the corporate authorities estimate will be set
12 aside for the payment of the proportionate amount of debt
13 service and pension or retirement obligations, as required by
14 Section 12 of the State Revenue Sharing Act ~~"An Act in relation~~
15 ~~to State Revenue Sharing with local government entities",~~
16 ~~approved July 31, 1969, as amended,~~ and (f) the aggregate
17 amount of moneys theretofore transferred from the corporate
18 working cash fund to the corporate fund in anticipation of the
19 collection of such taxes. The amount which the resolution
20 shall direct the treasurer of the sanitary district so to
21 transfer in anticipation of the collection of taxes levied or
22 to be received for any year, together with the aggregate
23 amount of such anticipation tax warrants or notes theretofore
24 drawn against such taxes, the amount estimated to be required
25 to satisfy debt service and pension or retirement obligations,
26 as set forth in Section 12 of the State Revenue Sharing Act ~~"An~~

1 ~~Act in relation to State revenue sharing with local government~~
2 ~~entities", approved July 31, 1969, as amended,~~ and the
3 aggregate amount of such transfers theretofore made in
4 anticipation of the collection of such taxes shall not exceed
5 100% of the actual or estimated amount of such taxes extended
6 or to be extended or to be received as set forth in the
7 resolution. When moneys are available in the corporate working
8 cash fund they shall be transferred to the corporate fund and
9 disbursed for the payment of salaries and other corporate
10 expenses so as to avoid, or reduce in amount, whenever
11 possible, the issuance of tax anticipation warrants or notes.

12 Any member of the board of commissioners of said sanitary
13 district or any officer thereof or any other person holding
14 any other position of trust or employment under the said
15 board, who is guilty of the wilful violation of any of the
16 provisions of this Amendatory Act of 1957, shall be guilty of a
17 business offense and shall be fined not exceeding \$10,000 and
18 shall forfeit his right to his office, trust, or employment
19 and shall be removed therefrom. Any such member, officer, or
20 person shall be liable for any sum that may be unlawfully
21 diverted from the corporate working cash fund or otherwise
22 used, to be recovered by the corporate authorities of said
23 sanitary district or by any taxpayer in the name and for the
24 benefit of said board of commissioners in an appropriate civil
25 action. A taxpayer so suing shall file a bond for and shall be
26 liable for, all costs, taxed against the board of

1 commissioners in such a suit. Nothing herein shall bar any
2 other remedies.

3 The authority granted by this Amendatory Act of 1957 shall
4 be cumulative authority for the issuance of bonds and shall
5 not be held to repeal any laws with respect thereto.

6 (Source: P.A. 89-574, eff. 1-1-97; revised 7-19-24.)

7 (70 ILCS 2605/9d) (from Ch. 42, par. 328d)

8 Sec. 9d. All bonds, notes, or other evidences of
9 indebtedness issued pursuant to this Act shall be sold at such
10 price and upon such terms as determined by the Board of
11 Commissioners and which will not cause the net effective
12 interest rate to be paid by the sanitary district to exceed
13 that permitted by the Bond Authorization Act ~~"An Act to~~
14 ~~authorize public corporations to issue bonds, other evidences~~
15 ~~of indebtedness and tax anticipation warrants subject to~~
16 ~~interest rate limitations set forth therein", approved May 26,~~
17 ~~1970, as now or hereafter amended.~~

18 (Source: P.A. 84-208; revised 7-19-24.)

19 (70 ILCS 2605/9.6) (from Ch. 42, par. 328.6)

20 Sec. 9.6. Without submitting the issuance thereof to the
21 legal voters of the Sanitary District for approval the
22 corporate authorities thereof by ordinance may authorize bonds
23 for the purpose of refunding the principal of its bonds
24 whenever proceeds of taxes levied therefor shall not have been

1 received in time to pay such principal at its maturity.

2 The refunding bonds may be exchanged par for par for such
3 bonds or refunding bonds may be sold at not less than their par
4 value and the proceeds received shall be used to pay such bonds
5 and in any event the bonds refunded shall be cancelled upon the
6 delivery of the refunding bonds. The refunding bonds shall
7 mature 10 years from their date and may bear interest at a rate
8 not exceeding that permitted by the Bond Authorization Act ~~"An~~
9 ~~Act to authorize public corporations to issue bonds, other~~
10 ~~evidences of indebtedness and tax anticipation warrants~~
11 ~~subject to interest rate limitations set forth therein",~~
12 ~~approved May 26, 1970, as amended.~~ After the cancellation of
13 the bonds refunded the money thereafter received from the
14 proceeds of the delinquent taxes, the non-collection of which
15 made necessary such refunding, shall be paid into a special
16 sinking fund for the payment of the refunding bonds and may be
17 used by the treasurer of such sanitary district in the
18 purchase of such refunding bonds at not to exceed their par
19 value and accrued interest and any refunding bonds so
20 purchased shall be cancelled and the tax next to be extended
21 for payment of the refunding bonds shall be reduced in the
22 amount of the refunding bonds so cancelled. If any such money
23 shall not have been used in the purchase of refunding bonds,
24 such money shall be set aside in a fund to be used for payment
25 of the interest and principal of such refunding bonds as the
26 same shall mature and the tax or taxes next to be extended for

1 such payment shall be reduced by the amount so set aside. An
2 ordinance shall be adopted annually during the term of the
3 refunding bonds, finding the amount of refunding bonds so
4 purchased from the proceeds of such delinquent taxes, and the
5 amount of money on hand received from the collection of such
6 delinquent taxes not used in purchasing refunding bonds, and
7 directing the reduction in that amount of the tax next to be
8 extended for payment of the refunding bonds and a certified
9 copy thereof shall be filed in the office of the county clerk,
10 whereupon it shall be the duty of such official to reduce and
11 extend such tax levy in accordance therewith.

12 (Source: P.A. 83-591; revised 7-19-24.)

13 (70 ILCS 2605/10.1) (from Ch. 42, par. 329a)

14 Sec. 10.1. Every sanitary district shall also have the
15 power to construct a sewerage system or drainage system to
16 serve a particular locality within its corporate limits or to
17 extend or improve an existing sewerage system or drainage
18 system, for the purpose of serving a particular locality
19 within the sanitary district not theretofore served by its
20 existing sewerage system or drainage system, and to pay the
21 cost thereof by the issuance and sale of revenue bonds of the
22 sanitary district, payable solely from the revenue derived
23 from the operation of the sewerage system or drainage system,
24 constructed or acquired for that particular locality, or from
25 the revenue to be derived from the operation of the

1 improvements and extensions of an existing system.

2 These bonds may be issued for maturities not exceeding 40
3 years from the date of the bonds and in such amounts as may be
4 necessary to provide sufficient funds to pay all the costs of
5 the improvement, or extension, or construction, or acquisition
6 for improvement and extension of the sewerage system or
7 drainage system, including engineering, legal, and other
8 expenses, together with interest, to a date 6 months
9 subsequent to the estimated date of completion. These bonds
10 shall bear interest at a rate not exceeding that permitted by
11 the Bond Authorization Act ~~"An Act to authorize public~~
12 ~~corporations to issue bonds, other evidences of indebtedness~~
13 ~~and tax anticipation warrants subject to interest rate~~
14 ~~limitations set forth therein", approved May 26, 1970, as~~
15 ~~amended~~, payable semi-annually. Bonds issued under this Act
16 are negotiable instruments. They shall be executed by the
17 presiding officer and clerk of the sanitary district, or such
18 other officer or officers as the trustees may, by resolution,
19 designate, and shall be sealed with the sanitary district
20 corporate seal. In case any officer whose signature appears on
21 the bonds or coupons ceases to hold that office before the
22 bonds are delivered, his signature nevertheless, shall be
23 valid and sufficient for all purposes, the same as though he
24 had remained in office until the bonds were delivered. The
25 bonds shall be sold in such manner and upon such terms as the
26 board of trustees shall determine.

1 Bonds issued under this Section ~~section~~ are payable from
2 revenue derived from the operation of that sewerage system or
3 drainage system or improvement or extension. These bonds shall
4 not, in any event, constitute an indebtedness of the sanitary
5 district, within the meaning of any constitutional or
6 statutory limitation, and it shall be so stated on the face of
7 each bond. The face of each bond shall also contain a
8 description of the locality for which that system or
9 improvement or extension is constructed and acquired.

10 (Source: P.A. 83-591; revised 7-22-24.)

11 Section 575. The Sanitary District Act of 1936 is amended
12 by changing Sections 11.1, 26c, 29, 32b.1, and 32e as follows:

13 (70 ILCS 2805/11.1) (from Ch. 42, par. 422.1)

14 Sec. 11.1. All bonds issued pursuant to this Act shall
15 bear interest at a rate or rates not exceeding that permitted
16 by the Bond Authorization Act ~~"An Act to authorize public~~
17 ~~corporations to issue bonds, other evidences of indebtedness~~
18 ~~and tax anticipation warrants subject to interest rate~~
19 ~~limitations set forth therein", approved May 26, 1970, as~~
20 ~~amended.~~

21 (Source: P.A. 83-591; revised 7-22-24.)

22 (70 ILCS 2805/26c) (from Ch. 42, par. 437c)

23 Sec. 26c. The trustees of any district, having been

1 authorized by an election held pursuant to the preceding
2 section, being desirous of exercising such authority, shall
3 have an estimate made of the cost of the acquisition of the
4 contemplated drainage system, and by ordinance shall provide
5 for the issuance of revenue bonds. The ordinance shall set
6 forth a brief description of the contemplated drainage system,
7 the estimated cost of acquisition or construction thereof, the
8 amount, rate of interest, time and place of payment, and other
9 details in connection with the issuance of the bonds. The
10 bonds shall bear interest at a rate not exceeding that
11 permitted by the Bond Authorization Act ~~"An Act to authorize~~
12 ~~public corporations to issue bonds, other evidences of~~
13 ~~indebtedness and tax anticipation warrants subject to interest~~
14 ~~rate limitations set forth therein", approved May 26, 1970, as~~
15 ~~amended~~, payable semiannually, and shall be payable at such
16 times and places not exceeding 20 years from their date as
17 shall be prescribed in the ordinance providing for their
18 issuance.

19 This ordinance may contain such covenants and restrictions
20 upon the issuance of additional revenue bonds thereafter as
21 may be deemed necessary or advisable for the assurance of
22 payment of the bonds thereby authorized and as may be
23 thereafter issued, and shall pledge the revenues derived from
24 the operation of the drainage system for the purpose of paying
25 all maintenance and operation costs, principal, and interest
26 on all bonds issued under the provisions of this Act, and for

1 providing an adequate depreciation fund, which depreciation
2 fund is hereby defined for the purposes of this Act to be for
3 such replacements as may be necessary from time to time for the
4 continued effective and efficient operation of the drainage
5 system properties of such district, and such fund shall not be
6 allowed to accumulate beyond a reasonable amount necessary for
7 that purpose, the terms and provisions of which shall be
8 incorporated in the ordinance authorizing the issuance of the
9 bonds.

10 (Source: P.A. 83-591; revised 7-22-24.)

11 (70 ILCS 2805/29) (from Ch. 42, par. 440)

12 Sec. 29. When any special assessment is made under this
13 Act, the ordinance authorizing such assessment may provide
14 that the entire assessment and each individual assessment be
15 divided into annual installments, not more than 20 ~~twenty~~ in
16 number. In all cases such division shall be made so that all
17 installments shall be equal in amount, except that all
18 fractional amounts shall be added to the first installment so
19 as to leave the remaining installments of the aggregate equal
20 in amount and each a multiple of \$100 ~~one hundred dollars~~. The
21 said several installments shall bear interest at a rate not to
22 exceed that permitted for public corporation bonds under the
23 Bond Authorization Act ~~"An Act to authorize public~~
24 ~~corporations to issue bonds, other evidences of indebtedness~~
25 ~~and tax anticipation warrants subject to interest rate~~

1 ~~limitations set forth therein", approved May 26, 1970, as now~~
2 ~~or hereafter amended~~, except that for the purposes of this
3 Section, "the time the contract is made" shall mean the date of
4 adoption of the original ordinance authorizing the assessment;
5 both principal and interest shall be payable, collected and
6 enforced as they shall become due in the manner provided for
7 the levy, payment, collection and enforcement of such
8 assessments and interest, as provided in Division 2 of Article
9 of the ~~"Illinois Municipal Code", approved May 29, 1961, as~~
10 ~~heretofore and hereafter amended.~~

11 (Source: P.A. 83-1525; revised 7-22-24.)

12 (70 ILCS 2805/32b.1) (from Ch. 42, par. 443b.1)

13 Sec. 32b.1. The board of trustees of any sanitary district
14 created hereunder, after receiving a petition in writing,
15 signed by not less than 50% of the legal voters and not less
16 than 50% of the record owners of land in any contiguous
17 territory situated within such sanitary district, shall have
18 the power, by the issuance of revenue bonds, or by special
19 assessment, as determined by ordinance of the board of
20 trustees, to purchase or construct waterworks within such
21 contiguous territory and thereafter operate, maintain,
22 improve, and extend such waterworks as defined in this Act.
23 Such petition, when submitted to the board of trustees, shall
24 contain an estimate of the cost of the purchase or
25 construction of such waterworks. The ordinance to provide for

1 the purchase or construction of such waterworks shall be
2 adopted only by a vote of a majority of the members of the
3 board of trustees. Such ordinance shall contain an accurate
4 description of the territory which will be affected by the
5 purchase or construction of the waterworks, and the costs of
6 such purchase, construction, improvement, or extension shall
7 be paid solely by the issuance and sale of revenue bonds of the
8 district secured by and payable solely from the revenue to be
9 derived from the operation of such waterworks, or by special
10 assessment, as the case may be.

11 Revenue bonds provided for in this Section may be issued
12 in such amounts as may be necessary to provide sufficient
13 funds to pay all costs of purchasing or constructing such
14 waterworks, including engineering, legal, and other expenses.
15 Such bonds shall bear interest at a rate not exceeding the rate
16 permitted by the Bond Authorization Act ~~"An Act to authorize~~
17 ~~public corporations to issue bonds, other evidences of~~
18 ~~indebtedness and tax anticipation warrants subject to interest~~
19 ~~rate limitations set forth therein", approved May 26, 1970, as~~
20 ~~amended~~, payable semi-annually, and shall be payable at such
21 times and places not exceeding 30 years from their date as
22 shall be prescribed in the ordinance providing for their
23 issuance. However, if the board of trustees determines by
24 ordinance that the purchase and construction of such
25 waterworks is to be secured and paid by special assessment,
26 then the proceedings for making, levying, collecting, and

1 enforcing any special assessment levied hereunder, the letting
2 of contracts, the issuance of special assessment bonds, the
3 performance of the work, and all other matters required or
4 pertaining to the purchase or construction and making of the
5 improvements or extensions shall be as provided in Division 2
6 of Article 9 of the Illinois Municipal Code, ~~as heretofore and~~
7 ~~hereafter amended~~. Whenever in said Division 2 the words "city
8 council" or the words "board of local improvements" are used,
9 the same shall apply to the board of trustees constituted by
10 this Act, and the word "mayor" or "president of the board of
11 local improvement" shall apply to the president of the board
12 of trustees constituted by this Act, and the words applying to
13 the city or its officers in that Article shall be held to apply
14 to the sanitary district created under this Act and its
15 officers.

16 (Source: P.A. 83-673; revised 7-22-24.)

17 (70 ILCS 2805/32e) (from Ch. 42, par. 443e)

18 Sec. 32e. The trustees of any district, having been
19 authorized by an election held pursuant to Section 32d, and
20 being desirous of exercising such authority, shall have an
21 estimate made of the cost of the acquisition or construction
22 of the contemplated waterworks, and by ordinance shall provide
23 for the method of financing such acquisition or construction.
24 The ordinance shall set forth a brief description of the
25 contemplated waterworks, the estimated cost of acquisition or

1 construction thereof, the method of financing such acquisition
2 or construction, the amount, rate of interest, time and place
3 of payment, and other details in connection with the issuance
4 of any bonds necessary therefor. If all or part of such
5 financing is to be by issuance of revenue bonds, such bonds
6 shall bear interest at not exceeding the rate permitted by the
7 Bond Authorization Act ~~"An Act to authorize public~~
8 ~~corporations to issue bonds, other evidences of indebtedness~~
9 ~~and tax anticipation warrants subject to interest rate~~
10 ~~limitations set forth therein", approved May 26, 1970, as~~
11 ~~amended~~, payable semi-annually, and shall be payable at such
12 times and places not exceeding 30 years from their date as
13 shall be prescribed in the ordinance providing for their
14 issuance.

15 This ordinance may contain such covenants and restrictions
16 upon the issuance of additional revenue bonds thereafter as
17 may be deemed necessary or advisable for the assurance of
18 payment of the bonds thereby authorized and as may be
19 thereafter issued, and shall pledge the revenues derived from
20 the operation of the waterworks for the purpose of paying all
21 maintenance and operation costs, principal and interest on all
22 bonds issued under the provisions of this Act, and for
23 providing an adequate depreciation fund, which depreciation
24 fund is hereby defined for the purposes of this Act to be for
25 such replacements as may be necessary from time to time for the
26 continued effective and efficient operation of the waterworks

1 properties of such district, and such fund shall not be
2 allowed to accumulate beyond a reasonable amount necessary for
3 that purpose, the terms and provisions of which shall be
4 incorporated in the ordinance authorizing the issuance of the
5 revenue bonds.

6 (Source: P.A. 83-591; revised 7-18-24.)

7 Section 580. The Sanitary District Refunding Bond Act is
8 amended by changing Section 1 as follows:

9 (70 ILCS 3005/1) (from Ch. 42, par. 298.1)

10 Sec. 1. The corporate authorities of any sanitary
11 district, without submitting the question to the electors
12 thereof for approval, may authorize by ordinance the issuance
13 of refunding bonds (1) to refund its bonds prior to their
14 maturity; (2) to refund its unpaid matured bonds; (3) to
15 refund matured coupons evidencing interest upon its unpaid
16 bonds; (4) to refund interest at the coupon rate upon its
17 unpaid matured bonds that has accrued since the maturity of
18 those bonds; and (5) to refund its bonds which by their terms
19 are subject to redemption before maturity.

20 The refunding bonds may be made registerable as to
21 principal and may bear interest at a rate of not to exceed that
22 permitted by the Bond Authorization Act ~~"An Act to authorize~~
23 ~~public corporations to issue bonds, other evidences of~~
24 ~~indebtedness and tax anticipation warrants subject to interest~~

1 ~~rate limitations set forth therein", approved May 26, 1970, as~~
2 ~~amended~~, payable at such time and place as may be provided in
3 the bond ordinance. The refunding bonds shall remain valid
4 even though one or more of the officers executing the bonds
5 ceases to hold his or their offices before the bonds are
6 delivered.

7 (Source: P.A. 83-591; revised 7-18-24.)

8 Section 585. The Sanitary District Revenue Bond Act is
9 amended by changing Section 2a as follows:

10 (70 ILCS 3010/2a) (from Ch. 42, par. 319.2a)

11 Sec. 2a. Every sanitary district has the power to
12 construct or acquire, and to improve, extend, and operate a
13 sewerage system. Any sanitary district that owns and operates
14 or that may hereafter own and operate a sewerage system also
15 has the power, when determined by its board of trustees to be
16 in the public interest and necessary for the protection of the
17 public health, to enter into and perform contracts, whether
18 long-term or short-term, with any industrial establishment for
19 the provision and operation by the sanitary district of
20 sewerage facilities to abate or reduce the pollution of water
21 caused by discharges of industrial wastes by the industrial
22 establishment and the payment periodically by the industrial
23 establishment to the sanitary district of amounts at least
24 sufficient, in the determination of such board of trustees, to

1 compensate the sanitary district for the cost of providing
2 (including payment of principal and interest charges, if any),
3 and of operating and maintaining the sewerage facilities
4 serving such industrial establishment.

5 Every sanitary district has the power to borrow money from
6 the Reconstruction Finance Corporation, the Public Works
7 Administration, or from any other source, for the purpose of
8 improving or extending or for the purpose of constructing or
9 acquiring and improving and extending a sewerage system and as
10 evidence thereof, to issue its revenue bonds, payable solely
11 from the revenue derived from the operation of the sewerage
12 system by that sanitary district. These bonds may be issued
13 for maturities not exceeding forty years from the date of the
14 bonds, and in such amounts as may be necessary to provide
15 sufficient funds to pay all the costs of the improvement or
16 extension or construction or acquisition and improvement and
17 extension of the sewerage system, including engineering, legal
18 and other expenses, together with interest, to a date six
19 months subsequent to the estimated date of completion. These
20 bonds shall bear interest at a rate not exceeding that
21 permitted by the Bond Authorization Act ~~"An Act to authorize~~
22 ~~public corporations to issue bonds, other evidences of~~
23 ~~indebtedness and tax anticipation warrants subject to interest~~
24 ~~rate limitations set forth therein", approved May 26, 1970, as~~
25 ~~amended~~, payable semiannually. Bonds issued under this Act are
26 negotiable instruments. They shall be executed by the

1 presiding officer and clerk of the sanitary district and shall
2 be sealed with the sanitary district's corporate seal. In case
3 any officer whose signature appears on the bonds or coupons
4 ceases to hold that office before the bonds are delivered, his
5 signature, nevertheless, shall be valid and sufficient for all
6 purposes, the same as though he had remained in office until
7 the bonds were delivered. The bonds shall be sold in such
8 manner and upon such terms as the board of trustees shall
9 determine.

10 (Source: P.A. 83-591; revised 7-18-24.)

11 Section 590. The Sanitary Districts Corporate Notes Act is
12 amended by changing Section 1 as follows:

13 (70 ILCS 3015/1) (from Ch. 42, par. 319.31)

14 Sec. 1. Any sanitary district, including the district
15 organized under the Metropolitan Water Reclamation District
16 Act ~~"An Act to create sanitary districts and to remove~~
17 ~~obstructions in Illinois and Des Plaines Rivers", approved May~~
18 ~~29, 1889, as amended,~~ is authorized to issue from time to time
19 general obligation corporate notes in an amount not to exceed
20 85% of the corporate taxes levied for the year during which
21 said notes are issued, provided no such notes shall be issued
22 at any time there are tax anticipation warrants outstanding
23 against the corporate tax levied for the year during which
24 such notes are issued. Such notes shall mature within two

1 years from date and shall bear interest at a rate per annum not
2 exceeding the maximum rate authorized by the Bond
3 Authorization Act ~~"An Act to authorize public corporations to~~
4 ~~issue bonds, other evidences of indebtedness and tax~~
5 ~~anticipation warrants subject to interest rate limitations set~~
6 ~~forth therein", approved May 26, 1970, as now or hereafter~~
7 ~~amended.~~

8 In order to authorize and issue such notes, the corporate
9 authorities shall adopt an ordinance fixing the amount of
10 notes, the date thereof, the form thereof, the maturity
11 thereof, terms of redemption prior to maturity, rate of
12 interest thereon, place of payment and denomination, which
13 shall be in multiples of \$1,000, and provide for the levy and
14 collection of a direct annual tax upon all the taxable
15 property in the sanitary district sufficient to pay the
16 principal of and interest on such notes to maturity. Upon the
17 filing in the office of the county clerk ~~County Clerk~~ of the
18 county in which the sanitary district is located of a
19 certified copy of such ordinance, it shall be the duty of the
20 county clerk ~~County Clerk~~ to extend the tax therefor in
21 addition to and in excess of all other taxes heretofore or
22 hereafter authorized to be levied by such sanitary district.

23 The corporate authorities may sell such notes at private
24 or public sale and enter into any contract or agreement
25 necessary, appropriate, or incidental to the exercise of the
26 powers granted by this Act, including, without limitation,

1 contracts or agreements for the sale and purchase of such
2 notes and the payment of costs and expenses incident thereto.
3 The corporate authorities may pay such costs and expenses, in
4 whole or in part, from the corporate fund.

5 From and after such notes have been issued as provided for
6 by this Act, while such notes are outstanding, it shall be the
7 duty of the county clerk ~~County Clerk~~ in computing the tax rate
8 for corporate purposes of any such district to reduce the rate
9 for corporate purposes by the amount levied to pay the
10 principal of and interest on the notes authorized by this Act;
11 provided the tax rate shall not be reduced beyond the amount
12 necessary to reimburse any money borrowed from the working
13 cash fund, and it shall be the duty of the clerk ~~Clerk~~ of the
14 sanitary district annually, not less than thirty days prior to
15 the tax extension date, to certify to the county clerk ~~County~~
16 ~~Clerk~~ the amount of money borrowed from the working cash fund
17 to be reimbursed from the corporate tax levy.

18 No reimbursement shall be made to the working cash fund
19 until there has been accumulated from the tax levy provided
20 for the notes, an amount sufficient to pay the principal of and
21 interest on such notes to maturity.

22 (Source: P.A. 82-976; revised 7-18-24.)

23 Section 595. The Solid Waste Disposal District Act is
24 amended by changing Section 20 as follows:

1 (70 ILCS 3105/20) (from Ch. 85, par. 1670)

2 Sec. 20. Whenever a district does not have sufficient
3 money in its treasury to meet all necessary expenses and
4 liabilities thereof, it may issue tax anticipation warrants.
5 Such issue of tax anticipation warrants shall be subject to
6 the provisions of Section 2 of the Warrants and Jurors
7 Certificates Act ~~"An Act to provide for the manner of issuing~~
8 ~~warrants upon the treasurer of the State or of any county,~~
9 ~~township, or other municipal corporation or quasi municipal~~
10 ~~corporation, or of any farm drainage district, river district,~~
11 ~~drainage and levee district, fire protection district and~~
12 ~~jurors' certificates", approved June 27, 1913, as now and~~
13 ~~hereafter amended.~~

14 (Source: P.A. 76-1204; revised 7-17-24.)

15 Section 600. The Illinois Sports Facilities Authority Act
16 is amended by changing Section 13 as follows:

17 (70 ILCS 3205/13) (from Ch. 85, par. 6013)

18 Sec. 13. Bonds and notes.

19 (A) (1) The Authority may at any time and from time to time
20 issue bonds and notes for any corporate purpose, including the
21 establishment of reserves and the payment of interest and
22 costs of issuance. In this Act, the term "bonds" includes
23 notes of any kind, interim certificates, refunding bonds, or
24 any other evidence of obligation for borrowed money issued

1 under this Section 13. Bonds may be issued in one or more
2 series and may be payable and secured either on a parity with
3 or separately from other bonds.

4 (2) The bonds of any issue shall be payable solely from all
5 or any part of the property or revenues of the Authority,
6 including, without limitation:

7 (i) Rents, rates, fees, charges, or other revenues
8 payable to or any receipts of the Authority, including
9 amounts which are deposited pursuant to the Act with a
10 trustee for bondholders;

11 (ii) Payments by financial institutions, insurance
12 companies, or others pursuant to letters or lines of
13 credit, policies of insurance, or purchase agreements;

14 (iii) Investment earnings from funds or accounts
15 maintained pursuant to a bond resolution or trust
16 agreement; and

17 (iv) Proceeds of refunding bonds.

18 (3) Bonds may be authorized by a resolution of the
19 Authority and may be secured by a trust agreement by and
20 between the Authority and a corporate trustee or trustees,
21 which may be any trust company or bank having the powers of a
22 trust company within or without the State. Bonds may:

23 (i) Mature at a time or times, whether as serial bonds
24 or as term bonds or both, not exceeding 40 years from their
25 respective dates of issue;

26 (ii) Notwithstanding the provisions ~~provision~~ of the

1 Bond Authorization Act ~~"An Act to authorize public~~
2 ~~corporations to issue bonds, other evidences of~~
3 ~~indebtedness and tax anticipation warrants subject to~~
4 ~~interest rate limitations set forth therein", approved May~~
5 ~~26, 1970, as now or hereafter amended,~~ or any other
6 provision of law, bear interest at any fixed or variable
7 rate or rates determined by the method provided in the
8 resolution or trust agreement;

9 (iii) Be payable at a time or times, in the
10 denominations and form, either coupon or registered or
11 both, and carry the registration and privileges as to
12 exchange, transfer, or conversion and for the replacement
13 of mutilated, lost, or destroyed bonds as the resolution
14 or trust agreement may provide;

15 (iv) Be payable in lawful money of the United States
16 at a designated place;

17 (v) Be subject to the terms of purchase, payment,
18 redemption, refunding, or refinancing that the resolution
19 or trust agreement provides;

20 (vi) Be executed by the manual or facsimile signatures
21 of the officers of the Authority designated by the
22 Authority which signatures shall be valid at delivery even
23 for one who has ceased to hold office; and

24 (vii) Be sold in the manner and upon the terms
25 determined by the Authority.

26 (B) Any resolution or trust agreement may contain

1 provisions which shall be a part of the contract with the
2 holders of the bonds as to:

3 (1) Pledging, assigning, or directing the use,
4 investment, or disposition of all or any part of the
5 revenues of the Authority or proceeds or benefits of any
6 contract, including, without limit, any management
7 agreement or assistance agreement and conveying or
8 otherwise securing any property or property rights;

9 (2) The setting aside of loan funding deposits, debt
10 service reserves, capitalized interest accounts,
11 replacement or operating reserves, cost of issuance
12 accounts and sinking funds, and the regulation,
13 investment, and disposition thereof;

14 (3) Limitations on the purposes to which or the
15 investments in which the proceeds of sale of any issue of
16 bonds or the Authority's revenues and receipts may be
17 applied or made;

18 (4) Limitations on the issue of additional bonds, the
19 terms upon which additional bonds may be issued and
20 secured, the terms upon which additional bonds may rank on
21 a parity with, or be subordinate or superior to, other
22 bonds;

23 (5) The refunding, advance refunding, or refinancing
24 of outstanding bonds;

25 (6) The procedure, if any, by which the terms of any
26 contract with bondholders may be altered or amended and

1 the amount of bonds and holders of which must consent
2 thereto, and the manner in which consent shall be given;

3 (7) Defining the acts or omissions which shall
4 constitute a default in the duties of the Authority to
5 holders of bonds and providing the rights or remedies of
6 such holders in the event of a default which may include
7 provisions restricting individual right of action by
8 bondholders;

9 (8) Providing for guarantees, pledges of property,
10 letters of credit, or other security, or insurance for the
11 benefit of bondholders; and

12 (9) Any other matter relating to the bonds which the
13 Authority determines appropriate.

14 (C) No member of the Authority nor any person executing
15 the bonds shall be liable personally on the bonds or subject to
16 any personal liability by reason of the issuance of the bonds.

17 (D) The Authority may enter into agreements with agents,
18 banks, insurers, or others for the purpose of enhancing the
19 marketability of or security for its bonds.

20 (E) (1) A pledge by the Authority of revenues and receipts
21 as security for an issue of bonds or for the performance of its
22 obligations under any management agreement or assistance
23 agreement shall be valid and binding from the time when the
24 pledge is made.

25 (2) The revenues and receipts pledged shall immediately be
26 subject to the lien of the pledge without any physical

1 delivery or further act, and the lien of any pledge shall be
2 valid and binding against any person having any claim of any
3 kind in tort, contract, or otherwise against the Authority,
4 irrespective of whether the person has notice.

5 (3) No resolution, trust agreement, management agreement,
6 or assistance agreement or any financing statement,
7 continuation statement, or other instrument adopted or entered
8 into by the Authority need be filed or recorded in any public
9 record other than the records of the Authority in order to
10 perfect the lien against third persons, regardless of any
11 contrary provision of law.

12 (F) The Authority may issue bonds to refund, advance
13 refund, or refinance any of its bonds then outstanding,
14 including the payment of any redemption premium and any
15 interest accrued or to accrue to the earliest or any
16 subsequent date of redemption, purchase, or maturity of the
17 bonds. Refunding or advance refunding bonds may be issued for
18 the public purposes of realizing savings in the effective
19 costs of debt service, directly or through a debt
20 restructuring, for alleviating impending or actual default, or
21 for paying principal of, redemption premium, if any, and
22 interest on bonds as they mature or are subject to redemption,
23 and may be issued in one or more series in an amount in excess
24 of that of the bonds to be refunded.

25 (G) At no time shall the total outstanding bonds and notes
26 of the Authority issued under this Section 13 exceed (i)

1 \$150,000,000 in connection with facilities owned by the
2 Authority or in connection with other authorized corporate
3 purposes of the Authority and (ii) \$399,000,000 in connection
4 with facilities owned by a governmental owner other than the
5 Authority; however, the limit on the total outstanding bond
6 and notes set forth in this sentence shall not apply to any
7 refunding or restructuring bonds issued by the Authority on
8 and after June 17, 2021 (the effective date of Public Act
9 102-16) ~~this amendatory Act of the 102nd General Assembly~~ but
10 prior to December 31, 2024. Bonds which are being paid or
11 retired by issuance, sale, or delivery of bonds or notes, and
12 bonds or notes for which sufficient funds have been deposited
13 with the paying agent or trustee to provide for payment of
14 principal and interest thereon, and any redemption premium, as
15 provided in the authorizing resolution, shall not be
16 considered outstanding for the purposes of this paragraph.

17 (H) The bonds and notes of the Authority shall not be
18 indebtedness of the City of Chicago, of the State, or of any
19 political subdivision of the State other than the Authority.
20 The bonds and notes of the Authority are not general
21 obligations of the State of Illinois or the City of Chicago, or
22 of any other political subdivision of the State other than the
23 Authority, and are not secured by a pledge of the full faith
24 and credit of the State of Illinois or the City of Chicago, or
25 of any other political subdivision of the State other than the
26 Authority, and the holders of bonds and notes of the Authority

1 may not require the levy or imposition by the State or the City
2 of Chicago, or any other political subdivision of the State
3 other than the Authority, of any taxes or, except as provided
4 in this Act, the application of revenues or funds of the State
5 of Illinois or the City of Chicago or any other political
6 subdivision of the State other than the Authority to the
7 payment of bonds and notes of the Authority.

8 (I) In order to provide for the payment of debt service
9 requirements (including amounts for reserve funds and to pay
10 the costs of credit enhancements) on bonds issued pursuant to
11 this Act, the Authority may provide in any trust agreement
12 securing such bonds for a pledge and assignment of its right to
13 all amounts to be received from the Illinois Sports Facilities
14 Fund and for a pledge and assignment (subject to the terms of
15 any management agreement or assistance agreement) of all taxes
16 and other amounts to be received under Section 19 of this Act
17 and may further provide by written notice to the State
18 Treasurer and State Comptroller (which notice shall constitute
19 a direction to those officers) for a direct payment of these
20 amounts to the trustee for its bondholders.

21 (J) The State of Illinois pledges to and agrees with the
22 holders of the bonds and notes of the Authority issued
23 pursuant to this Act that the State will not limit or alter the
24 rights and powers vested in the Authority by this Act so as to
25 impair the terms of any contract made by the Authority with
26 such holders or in any way impair the rights and remedies of

1 such holders until such bonds and notes, together with
2 interest thereon, with interest on any unpaid installments of
3 interest, and all costs and expenses in connection with any
4 action or proceedings by or on behalf of such holders, are
5 fully met and discharged. In addition, the State pledges to
6 and agrees with the holders of the bonds and notes of the
7 Authority issued pursuant to this Act that the State will not
8 limit or alter the basis on which State funds are to be
9 allocated, deposited and paid to the Authority as provided in
10 this Act, or the use of such funds, so as to impair the terms
11 of any such contract. The Authority is authorized to include
12 these pledges and agreements of the State in any contract with
13 the holders of bonds or notes issued pursuant to this Section.
14 Nothing in Public Act 102-16 ~~this amendatory Act of the 102nd~~
15 ~~General Assembly~~ is intended to limit or alter the rights and
16 powers of the Authority so as to impair the terms of any
17 contract made by the Authority with the holders of the bonds
18 and notes of the Authority issued pursuant to this Act.

19 (Source: P.A. 102-16, eff. 6-17-21; revised 7-25-24.)

20 Section 605. The Downstate Illinois Sports Facilities
21 Authority Act is amended by changing Section 100 as follows:

22 (70 ILCS 3210/100)

23 Sec. 100. Bonds and notes.

24 (a) (1) The Authority may at any time and from time to time

1 issue bonds and notes for any corporate purpose, including the
2 establishment of reserves and the payment of interest and
3 costs of issuance. In this Act, the term "bonds" includes
4 notes of any kind, interim certificates, refunding bonds, or
5 any other evidence of obligation for borrowed money issued
6 under this Section 100. Bonds may be issued in one or more
7 series and may be payable and secured either on a parity with
8 or separately from other bonds.

9 (2) The bonds of any issue shall be payable solely from all
10 or any part of the property or revenues of the Authority,
11 including, without limitation:

12 (i) Rents, rates, fees, charges, or other revenues
13 payable to or any receipts of the Authority, including
14 amounts which are deposited pursuant to the Act with a
15 trustee for bondholders;

16 (ii) Payments by financial institutions, insurance
17 companies, or others pursuant to letters or lines of
18 credit, policies of insurance, or purchase agreements;

19 (iii) Investment earnings from funds or accounts
20 maintained pursuant to a bond resolution or trust
21 agreement; and

22 (iv) Proceeds of refunding bonds.

23 (3) Bonds may be authorized by a resolution of the
24 Authority and may be secured by a trust agreement by and
25 between the Authority and a corporate trustee or trustees,
26 which may be any trust company or bank having the powers of a

1 trust company within or without the State. Bonds may:

2 (i) Mature at a time or times, whether as serial
3 bonds, as term bonds, or as both, not exceeding 40 years
4 from their respective dates of issue;

5 (ii) Notwithstanding the provisions ~~provision~~ of the
6 Bond Authorization Act ~~"An Act to authorize public~~
7 ~~corporations to issue bonds, other evidences of~~
8 ~~indebtedness and tax anticipation warrants subject to~~
9 ~~interest rate limitations set forth therein", approved May~~
10 ~~26, 1970, as now or hereafter amended,~~ or any other
11 provision of law, bear interest at any fixed or variable
12 rate or rates determined by the method provided in the
13 resolution or trust agreement;

14 (iii) Be payable at a time or times, in the
15 denominations and form, either coupon, or registered, or
16 both, and carry the registration and privileges as to
17 exchange, transfer or conversion and for the replacement
18 of mutilated, lost or destroyed bonds as the resolution or
19 trust agreement may provide;

20 (iv) Be payable in lawful money of the United States
21 at a designated place;

22 (v) Be subject to the terms of purchase, payment,
23 redemption, refunding, or refinancing that the resolution
24 or trust agreement provides;

25 (vi) Be executed by the manual or facsimile signatures
26 of the officers of the Authority designated by the

1 Authority which signatures shall be valid at delivery even
2 for one who has ceased to hold office; and

3 (vii) Be sold in the manner and upon the terms
4 determined by the Authority.

5 (b) Any resolution or trust agreement may contain
6 provisions which shall be part of the contract with the
7 holders of the bonds as to:

8 (1) Pledging, assigning, or directing the use,
9 investment, or disposition of all or any part of the
10 revenues of the Authority or proceeds or benefits of any
11 contract, including, without limit, any management
12 agreement or assistance agreement and conveying or
13 otherwise securing any property or property rights;

14 (2) The setting aside of loan funding deposits, debt
15 service reserves, capitalized interest accounts,
16 replacement or operating reserves, cost of issuance
17 accounts and sinking funds, and the regulation,
18 investment, and disposition thereof;

19 (3) Limitations on the purposes to which or the
20 investments in which the proceeds of sale of any issue of
21 bonds or the Authority's revenues and receipts may be
22 applied or made;

23 (4) Limitations on the issue of additional bonds, the
24 terms upon which additional bonds may be issued and
25 secured, the terms upon which additional bonds may rank on
26 a parity with, or be subordinate or superior to, other

1 bonds;

2 (5) The refinancing, advance refunding, or refinancing
3 of outstanding bonds;

4 (6) The procedure, if any, by which the terms of any
5 contract with bondholders may be altered or amended and
6 the amount of bonds and holders of which must consent
7 thereto, and the manner in which consent shall be given;

8 (7) Defining the acts or omissions which shall
9 constitute a default in the duties of the Authority to
10 holders of bonds and providing the rights or remedies of
11 such holders in the event of a default which may include
12 provisions restricting individual right of action by
13 bondholders;

14 (8) Providing for guarantees, pledges of property,
15 letters of credit, or other security, or insurance for the
16 benefit of bondholders; and

17 (9) Any other matter relating to the bonds which the
18 Authority determines appropriate.

19 (c) No member of the Authority nor any person executing
20 the bonds shall be liable personally on the bonds or subject to
21 any personal liability by reason of the issuance of the bonds.

22 (d) The Authority may enter into agreements with agents,
23 banks, insurers, or others for the purpose of enhancing the
24 marketability of or security for its bonds.

25 (e) (1) A pledge by the Authority of revenues and receipts
26 as security for an issue of bonds or for the performance of its

1 obligations under any management agreement or assistance
2 agreement shall be valid and binding from the time when the
3 pledge is made.

4 (2) The revenues and receipts pledged shall
5 immediately be subject to the lien of the pledge without
6 any physical delivery or further act, and the lien of any
7 pledge shall be valid and binding against any person
8 having any claim of any kind in tort, contract, or
9 otherwise against the Authority, irrespective of whether
10 the person has notice.

11 (3) No resolution, trust agreement, management
12 agreement, or assistance agreement or any financing
13 statement, continuation statement, or other instrument
14 adopted or entered into by the Authority need be filed or
15 recorded in any public record other than the records of
16 the Authority in order to perfect the lien against third
17 persons, regardless of any contrary provision of law.

18 (f) The Authority may issue bonds to refund, advance
19 refund, or refinance any of its bonds then outstanding,
20 including the payment of any redemption premium and any
21 interest accrued or to accrue to the earliest or any
22 subsequent date of redemption, purchase or maturity of the
23 bonds. Refunding or advance refunding bonds may be issued for
24 the public purposes of realizing savings in the effective
25 costs of debt service, directly or through a debt
26 restructuring, for alleviating impending or actual default, or

1 for paying principal of, redemption premium, if any, and
2 interest on bonds as they mature or are subject to redemption,
3 and may be issued in one or more series in an amount in excess
4 of that of the bonds to be refunded.

5 (g) At no time shall the total outstanding bonds and notes
6 of the Authority issued under this Section 100 exceed (i)
7 \$40,000,000 in connection with facilities owned by the
8 Authority; and (ii) \$40,000,000 in connection with facilities
9 owned by a governmental owner other than the Authority. Bonds
10 which are being paid or retired by issuance, sale, or delivery
11 of bonds or notes, and bonds or notes for which sufficient
12 funds have been deposited with the paying agent or trustee to
13 provide for payment of principal and interest thereon, and any
14 redemption premium, as provided in the authorizing resolution,
15 shall not be considered outstanding for the purposes of this
16 paragraph.

17 (h) The bonds and notes of the Authority shall not be
18 indebtedness of the State, or of any political subdivision of
19 the State other than the Authority. The bonds and notes of the
20 Authority are not general obligations of the State of
21 Illinois, or of any other political subdivision of the State
22 other than the Authority, and are not secured by a pledge of
23 the full faith and credit of the State of Illinois, or of any
24 other political subdivision of the State other than the
25 Authority, and the holders of bonds and notes of the Authority
26 may not require the levy or imposition by the State, or any

1 other political subdivision of the State other than the
2 Authority, of any taxes or, except as provided in this Act, the
3 application of revenues or funds of the State of Illinois, or
4 any other political subdivision of the State other than the
5 Authority, to the payment of bonds and notes of the Authority.

6 (i) In order to provide for the payment of debt service
7 requirements (including amounts for reserve funds and to pay
8 the costs of credit enhancements) on bonds issued pursuant to
9 this Act, the Authority may provide in any trust agreement
10 securing such bonds for a pledge and assignment of its right to
11 all amounts to be received from the Illinois Sports Facilities
12 Fund and for a pledge and assignment (subject to the terms of
13 any management agreement or assistance agreement) of all taxes
14 and other amounts to be received under Section 100 of this Act
15 and may further provide written notice to the State Treasurer
16 and State Comptroller (which notice shall constitute a
17 direction to those officers) for a direct payment of these
18 amounts to the trustee for its bondholders.

19 (j) The State of Illinois pledges to and agrees with the
20 holders of the bonds and notes of the Authority issued
21 pursuant to this Act that the State will not limit or alter the
22 rights and powers vested in the Authority by this Act so as to
23 impair the terms of any contract made by the Authority with
24 such holders or in any way impair the rights and remedies of
25 such holders until such bonds and notes, together with
26 interest thereon, with interest on any unpaid installments of

1 interest, and all costs and expenses in connection with any
2 action or proceedings by or on behalf of such holders, are
3 fully met and discharged. In addition, the State pledges to
4 and agrees with the holders of the bonds and notes of the
5 Authority issued pursuant to this Act that the State will not
6 limit or alter the basis on which State funds are to be
7 allocated, deposited, and paid to the Authority as provided in
8 this Act, or the use of such funds, so as to impair the terms
9 of any such contract. The Authority is authorized to include
10 these pledges and agreements of the State in any contract with
11 the holders of bonds or notes issued pursuant to this Section.
12 (Source: P.A. 93-227, eff. 1-1-04; revised 7-22-24.)

13 Section 610. The Regional Transportation Authority Act is
14 amended by changing Section 4.03 as follows:

15 (70 ILCS 3615/4.03)

16 Sec. 4.03. Taxes.

17 (a) In order to carry out any of the powers or purposes of
18 the Authority, the Board may, by ordinance adopted with the
19 concurrence of 12 of the then Directors, impose throughout the
20 metropolitan region any or all of the taxes provided in this
21 Section. Except as otherwise provided in this Act, taxes
22 imposed under this Section and civil penalties imposed
23 incident thereto shall be collected and enforced by the State
24 Department of Revenue. The Department shall have the power to

1 administer and enforce the taxes and to determine all rights
2 for refunds for erroneous payments of the taxes. Nothing in
3 Public Act 95-708 is intended to invalidate any taxes
4 currently imposed by the Authority. The increased vote
5 requirements to impose a tax shall only apply to actions taken
6 after January 1, 2008 (the effective date of Public Act
7 95-708).

8 (b) The Board may impose a public transportation tax upon
9 all persons engaged in the metropolitan region in the business
10 of selling at retail motor fuel for operation of motor
11 vehicles upon public highways. The tax shall be at a rate not
12 to exceed 5% of the gross receipts from the sales of motor fuel
13 in the course of the business. As used in this Act, the term
14 "motor fuel" shall have the same meaning as in the Motor Fuel
15 Tax Law. The Board may provide for details of the tax. The
16 provisions of any tax shall conform, as closely as may be
17 practicable, to the provisions of the Municipal Retailers
18 Occupation Tax Act, including, without limitation, conformity
19 to penalties with respect to the tax imposed and as to the
20 powers of the State Department of Revenue to promulgate and
21 enforce rules and regulations relating to the administration
22 and enforcement of the provisions of the tax imposed, except
23 that reference in the Act to any municipality shall refer to
24 the Authority and the tax shall be imposed only with regard to
25 receipts from sales of motor fuel in the metropolitan region,
26 at rates as limited by this Section.

1 (c) In connection with the tax imposed under paragraph (b)
2 of this Section, the Board may impose a tax upon the privilege
3 of using in the metropolitan region motor fuel for the
4 operation of a motor vehicle upon public highways, the tax to
5 be at a rate not in excess of the rate of tax imposed under
6 paragraph (b) of this Section. The Board may provide for
7 details of the tax.

8 (d) The Board may impose a motor vehicle parking tax upon
9 the privilege of parking motor vehicles at off-street parking
10 facilities in the metropolitan region at which a fee is
11 charged, and may provide for reasonable classifications in and
12 exemptions to the tax, for administration and enforcement
13 thereof and for civil penalties and refunds thereunder and may
14 provide criminal penalties thereunder, the maximum penalties
15 not to exceed the maximum criminal penalties provided in the
16 Retailers' Occupation Tax Act. The Authority may collect and
17 enforce the tax itself or by contract with any unit of local
18 government. The State Department of Revenue shall have no
19 responsibility for the collection and enforcement unless the
20 Department agrees with the Authority to undertake the
21 collection and enforcement. As used in this paragraph, the
22 term "parking facility" means a parking area or structure
23 having parking spaces for more than 2 vehicles at which motor
24 vehicles are permitted to park in return for an hourly, daily,
25 or other periodic fee, whether publicly or privately owned,
26 but does not include parking spaces on a public street, the use

1 of which is regulated by parking meters.

2 (e) The Board may impose a Regional Transportation
3 Authority Retailers' Occupation Tax upon all persons engaged
4 in the business of selling tangible personal property at
5 retail in the metropolitan region. In Cook County, the tax
6 rate shall be 1.25% of the gross receipts from sales of food
7 for human consumption that is to be consumed off the premises
8 where it is sold (other than alcoholic beverages, food
9 consisting of or infused with adult use cannabis, soft drinks,
10 candy, and food that has been prepared for immediate
11 consumption) and tangible personal property taxed at the 1%
12 rate under the Retailers' Occupation Tax Act, and 1% of the
13 gross receipts from other taxable sales made in the course of
14 that business. In DuPage, Kane, Lake, McHenry, and Will
15 counties, the tax rate shall be 0.75% of the gross receipts
16 from all taxable sales made in the course of that business. The
17 rate of tax imposed in DuPage, Kane, Lake, McHenry, and Will
18 counties under this Section on sales of aviation fuel on or
19 after December 1, 2019 shall, however, be 0.25% unless the
20 Regional Transportation Authority in DuPage, Kane, Lake,
21 McHenry, and Will counties has an "airport-related purpose"
22 and the additional 0.50% of the 0.75% tax on aviation fuel is
23 expended for airport-related purposes. If there is no
24 airport-related purpose to which aviation fuel tax revenue is
25 dedicated, then aviation fuel is excluded from the additional
26 0.50% of the 0.75% tax. The tax imposed under this Section and

1 all civil penalties that may be assessed as an incident
2 thereof shall be collected and enforced by the State
3 Department of Revenue. The Department shall have full power to
4 administer and enforce this Section; to collect all taxes and
5 penalties so collected in the manner hereinafter provided; and
6 to determine all rights to credit memoranda arising on account
7 of the erroneous payment of tax or penalty hereunder. In the
8 administration of, and compliance with this Section, the
9 Department and persons who are subject to this Section shall
10 have the same rights, remedies, privileges, immunities,
11 powers, and duties, and be subject to the same conditions,
12 restrictions, limitations, penalties, exclusions, exemptions,
13 and definitions of terms, and employ the same modes of
14 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
15 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
16 therein other than the State rate of tax), 2c, 3 (except as to
17 the disposition of taxes and penalties collected, and except
18 that the retailer's discount is not allowed for taxes paid on
19 aviation fuel that are subject to the revenue use requirements
20 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c,
21 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
22 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and
23 Section 3-7 of the Uniform Penalty and Interest Act, as fully
24 as if those provisions were set forth herein.

25 The Board and DuPage, Kane, Lake, McHenry, and Will
26 counties must comply with the certification requirements for

1 airport-related purposes under Section 2-22 of the Retailers'
2 Occupation Tax Act. For purposes of this Section,
3 "airport-related purposes" has the meaning ascribed in Section
4 6z-20.2 of the State Finance Act. This exclusion for aviation
5 fuel only applies for so long as the revenue use requirements
6 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
7 Authority.

8 Persons subject to any tax imposed under the authority
9 granted in this Section may reimburse themselves for their
10 seller's tax liability hereunder by separately stating the tax
11 as an additional charge, which charge may be stated in
12 combination in a single amount with State taxes that sellers
13 are required to collect under the Use Tax Act, under any
14 bracket schedules the Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this Section to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the warrant to be drawn for the
19 amount specified, and to the person named, in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the Regional Transportation Authority tax
22 fund established under paragraph (n) of this Section or the
23 Local Government Aviation Trust Fund, as appropriate.

24 If a tax is imposed under this subsection (e), a tax shall
25 also be imposed under subsections (f) and (g) of this Section.

26 For the purpose of determining whether a tax authorized

1 under this Section is applicable, a retail sale by a producer
2 of coal or other mineral mined in Illinois, is a sale at retail
3 at the place where the coal or other mineral mined in Illinois
4 is extracted from the earth. This paragraph does not apply to
5 coal or other mineral when it is delivered or shipped by the
6 seller to the purchaser at a point outside Illinois so that the
7 sale is exempt under the Federal Constitution as a sale in
8 interstate or foreign commerce.

9 No tax shall be imposed or collected under this subsection
10 on the sale of a motor vehicle in this State to a resident of
11 another state if that motor vehicle will not be titled in this
12 State.

13 Nothing in this Section shall be construed to authorize
14 the Regional Transportation Authority to impose a tax upon the
15 privilege of engaging in any business that under the
16 Constitution of the United States may not be made the subject
17 of taxation by this State.

18 (f) If a tax has been imposed under paragraph (e), a
19 Regional Transportation Authority Service Occupation Tax shall
20 also be imposed upon all persons engaged^T in the metropolitan
21 region in the business of making sales of service^T who^L as an
22 incident to making the sales of service, transfer tangible
23 personal property within the metropolitan region, either in
24 the form of tangible personal property or in the form of real
25 estate as an incident to a sale of service. In Cook County, the
26 tax rate shall be: (1) 1.25% of the serviceman's cost price of

1 food prepared for immediate consumption and transferred
2 incident to a sale of service subject to the service
3 occupation tax by an entity that is located in the
4 metropolitan region and that is licensed under the Hospital
5 Licensing Act, the Nursing Home Care Act, the Assisted Living
6 and Shared Housing Act, the Specialized Mental Health
7 Rehabilitation Act of 2013, the ID/DD Community Care Act, the
8 MC/DD Act, or the Child Care Act of 1969, or an entity that
9 holds a permit issued pursuant to the Life Care Facilities
10 Act; (2) 1.25% of the selling price of food for human
11 consumption that is to be consumed off the premises where it is
12 sold (other than alcoholic beverages, food consisting of or
13 infused with adult use cannabis, soft drinks, candy, and food
14 that has been prepared for immediate consumption) and tangible
15 personal property taxed at the 1% rate under the Service
16 Occupation Tax Act; and (3) 1% of the selling price from other
17 taxable sales of tangible personal property transferred. In
18 DuPage, Kane, Lake, McHenry, and Will counties, the rate shall
19 be 0.75% of the selling price of all tangible personal
20 property transferred. The rate of tax imposed in DuPage, Kane,
21 Lake, McHenry, and Will counties under this Section on sales
22 of aviation fuel on or after December 1, 2019 shall, however,
23 be 0.25% unless the Regional Transportation Authority in
24 DuPage, Kane, Lake, McHenry, and Will counties has an
25 "airport-related purpose" and the additional 0.50% of the
26 0.75% tax on aviation fuel is expended for airport-related

1 purposes. If there is no airport-related purpose to which
2 aviation fuel tax revenue is dedicated, then aviation fuel is
3 excluded from the additional 0.5% of the 0.75% tax.

4 The Board and DuPage, Kane, Lake, McHenry, and Will
5 counties must comply with the certification requirements for
6 airport-related purposes under Section 2-22 of the Retailers'
7 Occupation Tax Act. For purposes of this Section,
8 "airport-related purposes" has the meaning ascribed in Section
9 6z-20.2 of the State Finance Act. This exclusion for aviation
10 fuel only applies for so long as the revenue use requirements
11 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
12 Authority.

13 The tax imposed under this paragraph and all civil
14 penalties that may be assessed as an incident thereof shall be
15 collected and enforced by the State Department of Revenue. The
16 Department shall have full power to administer and enforce
17 this paragraph; to collect all taxes and penalties due
18 hereunder; to dispose of taxes and penalties collected in the
19 manner hereinafter provided; and to determine all rights to
20 credit memoranda arising on account of the erroneous payment
21 of tax or penalty hereunder. In the administration of and
22 compliance with this paragraph, the Department and persons who
23 are subject to this paragraph shall have the same rights,
24 remedies, privileges, immunities, powers, and duties, and be
25 subject to the same conditions, restrictions, limitations,
26 penalties, exclusions, exemptions, and definitions of terms,

1 and employ the same modes of procedure, as are prescribed in
2 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
3 provisions therein other than the State rate of tax), 4
4 (except that the reference to the State shall be to the
5 Authority), 5, 7, 8 (except that the jurisdiction to which the
6 tax shall be a debt to the extent indicated in that Section 8
7 shall be the Authority), 9 (except as to the disposition of
8 taxes and penalties collected, and except that the returned
9 merchandise credit for this tax may not be taken against any
10 State tax, and except that the retailer's discount is not
11 allowed for taxes paid on aviation fuel that are subject to the
12 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
13 47133), 10, 11, 12 (except the reference therein to Section 2b
14 of the Retailers' Occupation Tax Act), 13 (except that any
15 reference to the State shall mean the Authority), the first
16 paragraph of Section 15, 16, 17, 18, 19, and 20 of the Service
17 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
18 Interest Act, as fully as if those provisions were set forth
19 herein.

20 Persons subject to any tax imposed under the authority
21 granted in this paragraph may reimburse themselves for their
22 serviceman's tax liability hereunder by separately stating the
23 tax as an additional charge, that charge may be stated in
24 combination in a single amount with State tax that servicemen
25 are authorized to collect under the Service Use Tax Act, under
26 any bracket schedules the Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this paragraph to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant to be drawn for the
5 amount specified, and to the person named in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Regional Transportation Authority tax
8 fund established under paragraph (n) of this Section or the
9 Local Government Aviation Trust Fund, as appropriate.

10 Nothing in this paragraph shall be construed to authorize
11 the Authority to impose a tax upon the privilege of engaging in
12 any business that under the Constitution of the United States
13 may not be made the subject of taxation by the State.

14 (g) If a tax has been imposed under paragraph (e), a tax
15 shall also be imposed upon the privilege of using in the
16 metropolitan region, any item of tangible personal property
17 that is purchased outside the metropolitan region at retail
18 from a retailer, and that is titled or registered with an
19 agency of this State's government. In Cook County, the tax
20 rate shall be 1% of the selling price of the tangible personal
21 property, as "selling price" is defined in the Use Tax Act. In
22 DuPage, Kane, Lake, McHenry, and Will counties, the tax rate
23 shall be 0.75% of the selling price of the tangible personal
24 property, as "selling price" is defined in the Use Tax Act. The
25 tax shall be collected from persons whose Illinois address for
26 titling or registration purposes is given as being in the

1 metropolitan region. The tax shall be collected by the
2 Department of Revenue for the Regional Transportation
3 Authority. The tax must be paid to the State, or an exemption
4 determination must be obtained from the Department of Revenue,
5 before the title or certificate of registration for the
6 property may be issued. The tax or proof of exemption may be
7 transmitted to the Department by way of the State agency with
8 which, or the State officer with whom, the tangible personal
9 property must be titled or registered if the Department and
10 the State agency or State officer determine that this
11 procedure will expedite the processing of applications for
12 title or registration.

13 The Department shall have full power to administer and
14 enforce this paragraph; to collect all taxes, penalties, and
15 interest due hereunder; to dispose of taxes, penalties, and
16 interest collected in the manner hereinafter provided; and to
17 determine all rights to credit memoranda or refunds arising on
18 account of the erroneous payment of tax, penalty, or interest
19 hereunder. In the administration of and compliance with this
20 paragraph, the Department and persons who are subject to this
21 paragraph shall have the same rights, remedies, privileges,
22 immunities, powers, and duties, and be subject to the same
23 conditions, restrictions, limitations, penalties, exclusions,
24 exemptions, and definitions of terms and employ the same modes
25 of procedure, as are prescribed in Sections 2 (except the
26 definition of "retailer maintaining a place of business in

1 this State"), 3 through 3-80 (except provisions pertaining to
2 the State rate of tax, and except provisions concerning
3 collection or refunding of the tax by retailers), 4, 11, 12,
4 12a, 14, 15, 19 (except the portions pertaining to claims by
5 retailers and except the last paragraph concerning refunds),
6 20, 21, and 22 of the Use Tax Act, and are not inconsistent
7 with this paragraph, as fully as if those provisions were set
8 forth herein.

9 Whenever the Department determines that a refund should be
10 made under this paragraph to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the order to be drawn for the
13 amount specified, and to the person named in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the Regional Transportation Authority tax
16 fund established under paragraph (n) of this Section.

17 (g-5) If, on January 1, 2025, a unit of local government
18 has in effect a tax under subsections (e), (f), and (g), or if,
19 after January 1, 2025, a unit of local government imposes a tax
20 under subsections (e), (f), and (g), then that tax applies to
21 leases of tangible personal property in effect, entered into,
22 or renewed on or after that date in the same manner as the tax
23 under this Section and in accordance with the changes made by
24 Public Act 103-592 ~~this amendatory Act of the 103rd General~~
25 ~~Assembly.~~

26 (h) The Authority may impose a replacement vehicle tax of

1 \$50 on any passenger car as defined in Section 1-157 of the
2 Illinois Vehicle Code purchased within the metropolitan region
3 by or on behalf of an insurance company to replace a passenger
4 car of an insured person in settlement of a total loss claim.
5 The tax imposed may not become effective before the first day
6 of the month following the passage of the ordinance imposing
7 the tax and receipt of a certified copy of the ordinance by the
8 Department of Revenue. The Department of Revenue shall collect
9 the tax for the Authority in accordance with Sections 3-2002
10 and 3-2003 of the Illinois Vehicle Code.

11 The Department shall immediately pay over to the State
12 Treasurer, ex officio, as trustee, all taxes collected
13 hereunder.

14 As soon as possible after the first day of each month,
15 beginning January 1, 2011, upon certification of the
16 Department of Revenue, the Comptroller shall order
17 transferred, and the Treasurer shall transfer, to the STAR
18 Bonds Revenue Fund the local sales tax increment, as defined
19 in the Innovation Development and Economy Act, collected under
20 this Section during the second preceding calendar month for
21 sales within a STAR bond district.

22 After the monthly transfer to the STAR Bonds Revenue Fund,
23 on or before the 25th day of each calendar month, the
24 Department shall prepare and certify to the Comptroller the
25 disbursement of stated sums of money to the Authority. The
26 amount to be paid to the Authority shall be the amount

1 collected hereunder during the second preceding calendar month
2 by the Department, less any amount determined by the
3 Department to be necessary for the payment of refunds, and
4 less any amounts that are transferred to the STAR Bonds
5 Revenue Fund. Within 10 days after receipt by the Comptroller
6 of the disbursement certification to the Authority provided
7 for in this Section to be given to the Comptroller by the
8 Department, the Comptroller shall cause the orders to be drawn
9 for that amount in accordance with the directions contained in
10 the certification.

11 (i) The Board may not impose any other taxes except as it
12 may from time to time be authorized by law to impose.

13 (j) A certificate of registration issued by the State
14 Department of Revenue to a retailer under the Retailers'
15 Occupation Tax Act or under the Service Occupation Tax Act
16 shall permit the registrant to engage in a business that is
17 taxed under the tax imposed under paragraphs (b), (e), (f) or
18 (g) of this Section and no additional registration shall be
19 required under the tax. A certificate issued under the Use Tax
20 Act or the Service Use Tax Act shall be applicable with regard
21 to any tax imposed under paragraph (c) of this Section.

22 (k) The provisions of any tax imposed under paragraph (c)
23 of this Section shall conform as closely as may be practicable
24 to the provisions of the Use Tax Act, including, without
25 limitation, conformity as to penalties with respect to the tax
26 imposed and as to the powers of the State Department of Revenue

1 to promulgate and enforce rules and regulations relating to
2 the administration and enforcement of the provisions of the
3 tax imposed. The taxes shall be imposed only on use within the
4 metropolitan region and at rates as provided in the paragraph.

5 (l) The Board in imposing any tax as provided in
6 paragraphs (b) and (c) of this Section, shall, after seeking
7 the advice of the State Department of Revenue, provide means
8 for retailers, users or purchasers of motor fuel for purposes
9 other than those with regard to which the taxes may be imposed
10 as provided in those paragraphs to receive refunds of taxes
11 improperly paid, which provisions may be at variance with the
12 refund provisions as applicable under the Municipal Retailers
13 Occupation Tax Act. The State Department of Revenue may
14 provide for certificates of registration for users or
15 purchasers of motor fuel for purposes other than those with
16 regard to which taxes may be imposed as provided in paragraphs
17 (b) and (c) of this Section to facilitate the reporting and
18 nontaxability of the exempt sales or uses.

19 (m) Any ordinance imposing or discontinuing any tax under
20 this Section shall be adopted and a certified copy thereof
21 filed with the Department on or before June 1, whereupon the
22 Department of Revenue shall proceed to administer and enforce
23 this Section on behalf of the Regional Transportation
24 Authority as of September 1 next following such adoption and
25 filing. Beginning January 1, 1992, an ordinance or resolution
26 imposing or discontinuing the tax hereunder shall be adopted

1 and a certified copy thereof filed with the Department on or
2 before the first day of July, whereupon the Department shall
3 proceed to administer and enforce this Section as of the first
4 day of October next following such adoption and filing.
5 Beginning January 1, 1993, an ordinance or resolution
6 imposing, increasing, decreasing, or discontinuing the tax
7 hereunder shall be adopted and a certified copy thereof filed
8 with the Department, whereupon the Department shall proceed to
9 administer and enforce this Section as of the first day of the
10 first month to occur not less than 60 days following such
11 adoption and filing. Any ordinance or resolution of the
12 Authority imposing a tax under this Section and in effect on
13 August 1, 2007 shall remain in full force and effect and shall
14 be administered by the Department of Revenue under the terms
15 and conditions and rates of tax established by such ordinance
16 or resolution until the Department begins administering and
17 enforcing an increased tax under this Section as authorized by
18 Public Act 95-708. The tax rates authorized by Public Act
19 95-708 are effective only if imposed by ordinance of the
20 Authority.

21 (n) Except as otherwise provided in this subsection (n),
22 the State Department of Revenue shall, upon collecting any
23 taxes as provided in this Section, pay the taxes over to the
24 State Treasurer as trustee for the Authority. The taxes shall
25 be held in a trust fund outside the State Treasury. If an
26 airport-related purpose has been certified, taxes and

1 penalties collected in DuPage, Kane, Lake, McHenry and Will
2 counties on aviation fuel sold on or after December 1, 2019
3 from the 0.50% of the 0.75% rate shall be immediately paid over
4 by the Department to the State Treasurer, ex officio, as
5 trustee, for deposit into the Local Government Aviation Trust
6 Fund. The Department shall only pay moneys into the Local
7 Government Aviation Trust Fund under this Act for so long as
8 the revenue use requirements of 49 U.S.C. 47107(b) and 49
9 U.S.C. 47133 are binding on the Authority. On or before the
10 25th day of each calendar month, the State Department of
11 Revenue shall prepare and certify to the Comptroller of the
12 State of Illinois and to the Authority (i) the amount of taxes
13 collected in each county other than Cook County in the
14 metropolitan region, (not including, if an airport-related
15 purpose has been certified, the taxes and penalties collected
16 from the 0.50% of the 0.75% rate on aviation fuel sold on or
17 after December 1, 2019 that are deposited into the Local
18 Government Aviation Trust Fund) (ii) the amount of taxes
19 collected within the City of Chicago, and (iii) the amount
20 collected in that portion of Cook County outside of Chicago,
21 each amount less the amount necessary for the payment of
22 refunds to taxpayers located in those areas described in items
23 (i), (ii), and (iii), and less 1.5% of the remainder, which
24 shall be transferred from the trust fund into the Tax
25 Compliance and Administration Fund. The Department, at the
26 time of each monthly disbursement to the Authority, shall

1 prepare and certify to the State Comptroller the amount to be
2 transferred into the Tax Compliance and Administration Fund
3 under this subsection. Within 10 days after receipt by the
4 Comptroller of the certification of the amounts, the
5 Comptroller shall cause an order to be drawn for the transfer
6 of the amount certified into the Tax Compliance and
7 Administration Fund and the payment of two-thirds of the
8 amounts certified in item (i) of this subsection to the
9 Authority and one-third of the amounts certified in item (i)
10 of this subsection to the respective counties other than Cook
11 County and the amount certified in items (ii) and (iii) of this
12 subsection to the Authority.

13 In addition to the disbursement required by the preceding
14 paragraph, an allocation shall be made in July 1991 and each
15 year thereafter to the Regional Transportation Authority. The
16 allocation shall be made in an amount equal to the average
17 monthly distribution during the preceding calendar year
18 (excluding the 2 months of lowest receipts) and the allocation
19 shall include the amount of average monthly distribution from
20 the Regional Transportation Authority Occupation and Use Tax
21 Replacement Fund. The distribution made in July 1992 and each
22 year thereafter under this paragraph and the preceding
23 paragraph shall be reduced by the amount allocated and
24 disbursed under this paragraph in the preceding calendar year.
25 The Department of Revenue shall prepare and certify to the
26 Comptroller for disbursement the allocations made in

1 accordance with this paragraph.

2 (o) Failure to adopt a budget ordinance or otherwise to
3 comply with Section 4.01 of this Act or to adopt a Five-year
4 Capital Program or otherwise to comply with paragraph (b) of
5 Section 2.01 of this Act shall not affect the validity of any
6 tax imposed by the Authority otherwise in conformity with law.

7 (p) At no time shall a public transportation tax or motor
8 vehicle parking tax authorized under paragraphs (b), (c), and
9 (d) of this Section be in effect at the same time as any
10 retailers' occupation, use or service occupation tax
11 authorized under paragraphs (e), (f), and (g) of this Section
12 is in effect.

13 Any taxes imposed under the authority provided in
14 paragraphs (b), (c), and (d) shall remain in effect only until
15 the time as any tax authorized by paragraph (e), (f), or (g) of
16 this Section ~~is~~ ~~are~~ imposed and becomes effective. Once any
17 tax authorized by paragraph (e), (f), or (g) is imposed the
18 Board may not reimpose taxes as authorized in paragraphs (b),
19 (c), and (d) of the Section unless any tax authorized by
20 paragraph (e), (f), or (g) of this Section becomes ineffective
21 by means other than an ordinance of the Board.

22 (q) Any existing rights, remedies and obligations
23 (including enforcement by the Regional Transportation
24 Authority) arising under any tax imposed under paragraph (b),
25 (c), or (d) of this Section shall not be affected by the
26 imposition of a tax under paragraph (e), (f), or (g) of this

1 Section.

2 (Source: P.A. 102-700, eff. 4-19-22; 103-592, eff. 1-1-25;
3 103-781, eff. 8-5-24; revised 11-26-24.)

4 Section 615. The School Code is amended by changing
5 Sections 1D-1, 2-3.25f, 2-3.169, 5-1, 5-2.2, 5-13, 10-16a,
6 10-22.3f, 10-22.6, 10-22.22, 10-22.24b, 10-22.36, 14A-32,
7 18-8.15, 19-1, 21B-50, 22-94, 24-4.1, 24A-2.5, 24A-5, 27A-5,
8 34-18, 34-18.68, 34-22.6, 34-22.10, and 34A-502 and by setting
9 forth and renumbering multiple versions of Sections 2-3.204,
10 27-23.17, and 34-18.85 as follows:

11 (105 ILCS 5/1D-1)

12 (Text of Section from P.A. 100-55 and 103-594)

13 Sec. 1D-1. Block grant funding.

14 (a) For fiscal year 1996 and each fiscal year thereafter,
15 the State Board of Education shall award to a school district
16 having a population exceeding 500,000 inhabitants a general
17 education block grant and an educational services block grant,
18 determined as provided in this Section, in lieu of
19 distributing to the district separate State funding for the
20 programs described in subsections (b) and (c). The provisions
21 of this Section, however, do not apply to any federal funds
22 that the district is entitled to receive. In accordance with
23 Section 2-3.32, all block grants are subject to an audit.
24 Therefore, block grant receipts and block grant expenditures

1 shall be recorded to the appropriate fund code for the
2 designated block grant.

3 (b) The general education block grant shall include the
4 following programs: REI Initiative, Summer Bridges, K-6
5 Comprehensive Arts, School Improvement Support, Urban
6 Education, Scientific Literacy, Substance Abuse Prevention,
7 Second Language Planning, Staff Development, Outcomes and
8 Assessment, K-6 Reading Improvement, 7-12 Continued Reading
9 Improvement, Truants' Optional Education, Hispanic Programs,
10 Agriculture Education, Report Cards, and Criminal Background
11 Investigations. The general education block grant shall also
12 include Preschool Education, Parental Training, and Prevention
13 Initiative through June 30, 2026. Notwithstanding any other
14 provision of law, all amounts paid under the general education
15 block grant from State appropriations to a school district in
16 a city having a population exceeding 500,000 inhabitants shall
17 be appropriated and expended by the board of that district for
18 any of the programs included in the block grant or any of the
19 board's lawful purposes. Beginning in Fiscal Year 2018, at
20 least 25% of any additional Preschool Education, Parental
21 Training, and Prevention Initiative program funding over and
22 above the previous fiscal year's allocation shall be used to
23 fund programs for children ages 0-3. Beginning in Fiscal Year
24 2018, funding for Preschool Education, Parental Training, and
25 Prevention Initiative programs above the allocation for these
26 programs in Fiscal Year 2017 must be used solely as a

1 supplement for these programs and may not supplant funds
2 received from other sources.

3 (b-5) Beginning in Fiscal Year 2027, the Department of
4 Early Childhood shall award a block grant for Preschool
5 Education, Parental Training, and Prevention Initiative to a
6 school district having a population exceeding 500,000
7 inhabitants. The grants are subject to audit. Therefore, block
8 grant receipts and block grant expenditures shall be recorded
9 to the appropriate fund code for the designated block grant.
10 Notwithstanding any other provision of law, all amounts paid
11 under the block grant from State appropriations to a school
12 district in a city having a population exceeding 500,000
13 inhabitants shall be appropriated and expended by the board of
14 that district for any of the programs included in the block
15 grant or any of the board's lawful purposes. The district is
16 not required to file any application or other claim in order to
17 receive the block grant to which it is entitled under this
18 Section. The Department of Early Childhood shall make payments
19 to the district of amounts due under the district's block
20 grant on a schedule determined by the Department. A school
21 district to which this Section applies shall report to the
22 Department of Early Childhood on its use of the block grant in
23 such form and detail as the Department may specify. In
24 addition, the report must include the following description
25 for the district, which must also be reported to the General
26 Assembly: block grant allocation and expenditures by program;

1 population and service levels by program; and administrative
2 expenditures by program. The Department shall ensure that the
3 reporting requirements for the district are the same as for
4 all other school districts in this State. Beginning in Fiscal
5 Year 2018, at least 25% of any additional Preschool Education,
6 Parental Training, and Prevention Initiative program funding
7 over and above the previous fiscal year's allocation shall be
8 used to fund programs for children ages 0-3. Beginning in
9 Fiscal Year 2018, funding for Preschool Education, Parental
10 Training, and Prevention Initiative programs above the
11 allocation for these programs in Fiscal Year 2017 must be used
12 solely as a supplement for these programs and may not supplant
13 funds received from other sources.

14 (c) The educational services block grant shall include the
15 following programs: Regular and Vocational Transportation,
16 State Lunch and Free Breakfast Program, Special Education
17 (Personnel, Transportation, Orphanage, Private Tuition),
18 funding for children requiring special education services,
19 Summer School, Educational Service Centers, and
20 Administrator's Academy. This subsection (c) does not relieve
21 the district of its obligation to provide the services
22 required under a program that is included within the
23 educational services block grant. It is the intention of the
24 General Assembly in enacting the provisions of this subsection
25 (c) to relieve the district of the administrative burdens that
26 impede efficiency and accompany single-program funding. The

1 General Assembly encourages the board to pursue mandate
2 waivers pursuant to Section 2-3.25g.

3 The funding program included in the educational services
4 block grant for funding for children requiring special
5 education services in each fiscal year shall be treated in
6 that fiscal year as a payment to the school district in respect
7 of services provided or costs incurred in the prior fiscal
8 year, calculated in each case as provided in this Section.
9 Nothing in this Section shall change the nature of payments
10 for any program that, apart from this Section, would be or,
11 prior to adoption or amendment of this Section, was on the
12 basis of a payment in a fiscal year in respect of services
13 provided or costs incurred in the prior fiscal year,
14 calculated in each case as provided in this Section.

15 (d) For fiscal year 1996 and each fiscal year thereafter,
16 the amount of the district's block grants shall be determined
17 as follows: (i) with respect to each program that is included
18 within each block grant, the district shall receive an amount
19 equal to the same percentage of the current fiscal year
20 appropriation made for that program as the percentage of the
21 appropriation received by the district from the 1995 fiscal
22 year appropriation made for that program, and (ii) the total
23 amount that is due the district under the block grant shall be
24 the aggregate of the amounts that the district is entitled to
25 receive for the fiscal year with respect to each program that
26 is included within the block grant that the State Board of

1 Education shall award the district under this Section for that
2 fiscal year. In the case of the Summer Bridges program, the
3 amount of the district's block grant shall be equal to 44% of
4 the amount of the current fiscal year appropriation made for
5 that program.

6 (e) The district is not required to file any application
7 or other claim in order to receive the block grants to which it
8 is entitled under this Section. The State Board of Education
9 shall make payments to the district of amounts due under the
10 district's block grants on a schedule determined by the State
11 Board of Education.

12 (f) A school district to which this Section applies shall
13 report to the State Board of Education on its use of the block
14 grants in such form and detail as the State Board of Education
15 may specify. In addition, the report must include the
16 following description for the district, which must also be
17 reported to the General Assembly: block grant allocation and
18 expenditures by program; population and service levels by
19 program; and administrative expenditures by program. The State
20 Board of Education shall ensure that the reporting
21 requirements for the district are the same as for all other
22 school districts in this State.

23 (g) This paragraph provides for the treatment of block
24 grants under Article 1C for purposes of calculating the amount
25 of block grants for a district under this Section. Those block
26 grants under Article 1C are, for this purpose, treated as

1 included in the amount of appropriation for the various
2 programs set forth in paragraph (b) above. The appropriation
3 in each current fiscal year for each block grant under Article
4 1C shall be treated for these purposes as appropriations for
5 the individual program included in that block grant. The
6 proportion of each block grant so allocated to each such
7 program included in it shall be the proportion which the
8 appropriation for that program was of all appropriations for
9 such purposes now in that block grant, in fiscal 1995.

10 Payments to the school district under this Section with
11 respect to each program for which payments to school districts
12 generally, as of the date of this amendatory Act of the 92nd
13 General Assembly, are on a reimbursement basis shall continue
14 to be made to the district on a reimbursement basis, pursuant
15 to the provisions of this Code governing those programs.

16 (h) Notwithstanding any other provision of law, any school
17 district receiving a block grant under this Section may
18 classify all or a portion of the funds that it receives in a
19 particular fiscal year from any block grant authorized under
20 this Code or from general State aid pursuant to Section
21 18-8.05 of this Code (other than supplemental general State
22 aid) as funds received in connection with any funding program
23 for which it is entitled to receive funds from the State in
24 that fiscal year (including, without limitation, any funding
25 program referred to in subsection (c) of this Section),
26 regardless of the source or timing of the receipt. The

1 district may not classify more funds as funds received in
2 connection with the funding program than the district is
3 entitled to receive in that fiscal year for that program. Any
4 classification by a district must be made by a resolution of
5 its board of education. The resolution must identify the
6 amount of any block grant or general State aid to be classified
7 under this subsection (h) and must specify the funding program
8 to which the funds are to be treated as received in connection
9 therewith. This resolution is controlling as to the
10 classification of funds referenced therein. A certified copy
11 of the resolution must be sent to the State Superintendent of
12 Education. The resolution shall still take effect even though
13 a copy of the resolution has not been sent to the State
14 Superintendent of Education in a timely manner. No
15 classification under this subsection (h) by a district shall
16 affect the total amount or timing of money the district is
17 entitled to receive under this Code. No classification under
18 this subsection (h) by a district shall in any way relieve the
19 district from or affect any requirements that otherwise would
20 apply with respect to the block grant as provided in this
21 Section, including any accounting of funds by source,
22 reporting expenditures by original source and purpose,
23 reporting requirements, or requirements of provision of
24 services.

25 (Source: P.A. 100-55, eff. 8-11-17; 103-594, eff. 6-25-24.)

1 (Text of Section from P.A. 100-465 and 103-594)

2 Sec. 1D-1. Block grant funding.

3 (a) For fiscal year 1996 through fiscal year 2017, the
4 State Board of Education shall award to a school district
5 having a population exceeding 500,000 inhabitants a general
6 education block grant and an educational services block grant,
7 determined as provided in this Section, in lieu of
8 distributing to the district separate State funding for the
9 programs described in subsections (b) and (c). The provisions
10 of this Section, however, do not apply to any federal funds
11 that the district is entitled to receive. In accordance with
12 Section 2-3.32, all block grants are subject to an audit.
13 Therefore, block grant receipts and block grant expenditures
14 shall be recorded to the appropriate fund code for the
15 designated block grant.

16 (b) The general education block grant shall include the
17 following programs: REI Initiative, Summer Bridges, Preschool
18 At Risk, K-6 Comprehensive Arts, School Improvement Support,
19 Urban Education, Scientific Literacy, Substance Abuse
20 Prevention, Second Language Planning, Staff Development,
21 Outcomes and Assessment, K-6 Reading Improvement, 7-12
22 Continued Reading Improvement, Truants' Optional Education,
23 Hispanic Programs, Agriculture Education, Report Cards, and
24 Criminal Background Investigations. The general education
25 block grant shall also include Preschool Education, Parental
26 Training, and Prevention Initiative through June 30, 2026.

1 Notwithstanding any other provision of law, all amounts paid
2 under the general education block grant from State
3 appropriations to a school district in a city having a
4 population exceeding 500,000 inhabitants shall be appropriated
5 and expended by the board of that district for any of the
6 programs included in the block grant or any of the board's
7 lawful purposes.

8 (b-5) Beginning in Fiscal Year 2027, the Department of
9 Early Childhood shall award a block grant for Preschool
10 Education, Parental Training, and Prevention Initiative to a
11 school district having a population exceeding 500,000
12 inhabitants. The grants are subject to audit. Therefore, block
13 grant receipts and block grant expenditures shall be recorded
14 to the appropriate fund code for the designated block grant.
15 Notwithstanding any other provision of law, all amounts paid
16 under the block grant from State appropriations to a school
17 district in a city having a population exceeding 500,000
18 inhabitants shall be appropriated and expended by the board of
19 that district for any of the programs included in the block
20 grant or any of the board's lawful purposes. The district is
21 not required to file any application or other claim in order to
22 receive the block grant to which it is entitled under this
23 Section. The Department of Early Childhood shall make payments
24 to the district of amounts due under the district's block
25 grant on a schedule determined by the Department. A school
26 district to which this Section applies shall report to the

1 Department of Early Childhood on its use of the block grant in
2 such form and detail as the Department may specify. In
3 addition, the report must include the following description
4 for the district, which must also be reported to the General
5 Assembly: block grant allocation and expenditures by program;
6 population and service levels by program; and administrative
7 expenditures by program. The Department shall ensure that the
8 reporting requirements for the district are the same as for
9 all other school districts in this State. Beginning in Fiscal
10 Year 2018, at least 25% of any additional Preschool Education,
11 Parental Training, and Prevention Initiative program funding
12 over and above the previous fiscal year's allocation shall be
13 used to fund programs for children ages 0-3. Beginning in
14 Fiscal Year 2018, funding for Preschool Education, Parental
15 Training, and Prevention Initiative programs above the
16 allocation for these programs in Fiscal Year 2017 must be used
17 solely as a supplement for these programs and may not supplant
18 funds received from other sources. ~~(b-10).~~

19 (c) The educational services block grant shall include the
20 following programs: Regular and Vocational Transportation,
21 State Lunch and Free Breakfast Program, Special Education
22 (Personnel, Transportation, Orphanage, Private Tuition),
23 funding for children requiring special education services,
24 Summer School, Educational Service Centers, and
25 Administrator's Academy. This subsection (c) does not relieve
26 the district of its obligation to provide the services

1 required under a program that is included within the
2 educational services block grant. It is the intention of the
3 General Assembly in enacting the provisions of this subsection
4 (c) to relieve the district of the administrative burdens that
5 impede efficiency and accompany single-program funding. The
6 General Assembly encourages the board to pursue mandate
7 waivers pursuant to Section 2-3.25g.

8 The funding program included in the educational services
9 block grant for funding for children requiring special
10 education services in each fiscal year shall be treated in
11 that fiscal year as a payment to the school district in respect
12 of services provided or costs incurred in the prior fiscal
13 year, calculated in each case as provided in this Section.
14 Nothing in this Section shall change the nature of payments
15 for any program that, apart from this Section, would be or,
16 prior to adoption or amendment of this Section, was on the
17 basis of a payment in a fiscal year in respect of services
18 provided or costs incurred in the prior fiscal year,
19 calculated in each case as provided in this Section.

20 (d) For fiscal year 1996 through fiscal year 2017, the
21 amount of the district's block grants shall be determined as
22 follows: (i) with respect to each program that is included
23 within each block grant, the district shall receive an amount
24 equal to the same percentage of the current fiscal year
25 appropriation made for that program as the percentage of the
26 appropriation received by the district from the 1995 fiscal

1 year appropriation made for that program, and (ii) the total
2 amount that is due the district under the block grant shall be
3 the aggregate of the amounts that the district is entitled to
4 receive for the fiscal year with respect to each program that
5 is included within the block grant that the State Board of
6 Education shall award the district under this Section for that
7 fiscal year. In the case of the Summer Bridges program, the
8 amount of the district's block grant shall be equal to 44% of
9 the amount of the current fiscal year appropriation made for
10 that program.

11 (e) The district is not required to file any application
12 or other claim in order to receive the block grants to which it
13 is entitled under this Section. The State Board of Education
14 shall make payments to the district of amounts due under the
15 district's block grants on a schedule determined by the State
16 Board of Education.

17 (f) A school district to which this Section applies shall
18 report to the State Board of Education on its use of the block
19 grants in such form and detail as the State Board of Education
20 may specify. In addition, the report must include the
21 following description for the district, which must also be
22 reported to the General Assembly: block grant allocation and
23 expenditures by program; population and service levels by
24 program; and administrative expenditures by program. The State
25 Board of Education shall ensure that the reporting
26 requirements for the district are the same as for all other

1 school districts in this State.

2 (g) Through fiscal year 2017, this paragraph provides for
3 the treatment of block grants under Article 1C for purposes of
4 calculating the amount of block grants for a district under
5 this Section. Those block grants under Article 1C are, for
6 this purpose, treated as included in the amount of
7 appropriation for the various programs set forth in paragraph
8 (b) above. The appropriation in each current fiscal year for
9 each block grant under Article 1C shall be treated for these
10 purposes as appropriations for the individual program included
11 in that block grant. The proportion of each block grant so
12 allocated to each such program included in it shall be the
13 proportion which the appropriation for that program was of all
14 appropriations for such purposes now in that block grant, in
15 fiscal 1995.

16 Payments to the school district under this Section with
17 respect to each program for which payments to school districts
18 generally, as of the date of this amendatory Act of the 92nd
19 General Assembly, are on a reimbursement basis shall continue
20 to be made to the district on a reimbursement basis, pursuant
21 to the provisions of this Code governing those programs.

22 (h) Notwithstanding any other provision of law, any school
23 district receiving a block grant under this Section may
24 classify all or a portion of the funds that it receives in a
25 particular fiscal year from any block grant authorized under
26 this Code or from general State aid pursuant to Section

1 18-8.05 of this Code (other than supplemental general State
2 aid) as funds received in connection with any funding program
3 for which it is entitled to receive funds from the State in
4 that fiscal year (including, without limitation, any funding
5 program referred to in subsection (c) of this Section),
6 regardless of the source or timing of the receipt. The
7 district may not classify more funds as funds received in
8 connection with the funding program than the district is
9 entitled to receive in that fiscal year for that program. Any
10 classification by a district must be made by a resolution of
11 its board of education. The resolution must identify the
12 amount of any block grant or general State aid to be classified
13 under this subsection (h) and must specify the funding program
14 to which the funds are to be treated as received in connection
15 therewith. This resolution is controlling as to the
16 classification of funds referenced therein. A certified copy
17 of the resolution must be sent to the State Superintendent of
18 Education. The resolution shall still take effect even though
19 a copy of the resolution has not been sent to the State
20 Superintendent of Education in a timely manner. No
21 classification under this subsection (h) by a district shall
22 affect the total amount or timing of money the district is
23 entitled to receive under this Code. No classification under
24 this subsection (h) by a district shall in any way relieve the
25 district from or affect any requirements that otherwise would
26 apply with respect to the block grant as provided in this

1 Section, including any accounting of funds by source,
2 reporting expenditures by original source and purpose,
3 reporting requirements, or requirements of provision of
4 services.

5 (Source: P.A. 100-465, eff. 8-31-17; 103-594, eff. 6-25-24;
6 revised 10-21-24.)

7 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

8 Sec. 2-3.25f. State interventions.

9 (a) The State Board of Education shall provide technical
10 assistance to schools in school improvement status to assist
11 with the development and implementation of Improvement Plans.

12 Schools or school districts that fail to make reasonable
13 efforts to implement an approved Improvement Plan may suffer
14 loss of State funds by school district, attendance center, or
15 program as the State Board of Education deems appropriate.

16 (a-5) (Blank).

17 (b) Schools that receive Targeted Support or Comprehensive
18 Support designations shall enter a 4-year cycle of school
19 improvement status. If, at the end of the 4-year cycle, the
20 school fails to meet the exit criteria specified in the State
21 Plan referenced in subsection (b) of Section 2-3.25a of this
22 Code, the school shall escalate to a more intensive
23 intervention. Targeted Support schools that remain Targeted
24 for one or more of the same student groups as in the initial
25 identification after completion of a 4-year cycle of Targeted

1 School Improvement shall be redesignated as Comprehensive
2 Support schools, as provided in paragraph (2.5) of subsection
3 (a) of Section 2-3.25d-5 of this Code. Comprehensive Support
4 schools that remain in the lowest-performing 5% after
5 completion of a 4-year cycle of Comprehensive School
6 Improvement shall be redesignated as Intensive Support schools
7 and shall escalate through more rigorous, tiered support,
8 developed in consultation with the Balanced Accountability
9 Measure Committee and other relevant stakeholder groups, which
10 may ultimately result in the (i) change of recognition status
11 of the school district or school to nonrecognized or (ii)
12 authorization for the State Superintendent of Education to
13 direct the reassignment of pupils or direct the reassignment
14 or replacement of school or school district personnel. If a
15 school district is nonrecognized in its entirety, for any
16 reason, including those not related to performance in the
17 accountability system, it shall automatically be dissolved on
18 July 1 following that nonrecognition and its territory
19 realigned with another school district or districts by the
20 regional board of school trustees in accordance with the
21 procedures set forth in Section 7-11 of the School Code. The
22 effective date of the nonrecognition of a school shall be July
23 1 following the nonrecognition.

24 (b-5) The State Board of Education shall also develop a
25 system to provide assistance and resources to lower performing
26 school districts. At a minimum, the State Board shall identify

1 school districts to receive Intensive, Comprehensive, and
2 Targeted Support. The school district shall provide the
3 exclusive bargaining representative with a 5-day notice that
4 the district has had one or more schools within the district
5 identified as being in Comprehensive or Intensive School
6 Improvement Status. In addition, the State Board may, by rule,
7 develop other categories of low-performing schools and school
8 districts to receive services.

9 The State Board of Education shall work with districts
10 with one or more schools in Comprehensive or Intensive School
11 Improvement Status, through technical assistance and
12 professional development, based on the results of the needs
13 assessment under Section 2-3.25d-5 of this Code, to develop
14 and implement a continuous improvement plan that would
15 increase outcomes for students. The plan for continuous
16 improvement shall be based on the results of the needs
17 assessment and shall be used to determine the types of
18 services that are to be provided to each Comprehensive and
19 Intensive School. Potential services may include, but are not
20 limited to, monitoring adult and student practices, reviewing
21 and reallocating district resources, developing a district and
22 school leadership team, providing access to curricular content
23 area specialists, and providing online resources and
24 professional development.

25 The support provided by a vendor or learning partner
26 approved to support a school's continuous improvement plan

1 related to English language arts must be based on the
2 comprehensive literacy plan for the State developed by the
3 State Board of Education under Section 2-3.200 ~~2-3.196~~, as
4 ~~added by Public Act 103-402~~.

5 The State Board of Education may require districts with
6 one or more Comprehensive or Intensive Schools identified as
7 having deficiencies in one or more core functions of the needs
8 assessment to undergo an accreditation process.

9 (c) All federal requirements apply to schools and school
10 districts utilizing federal funds under Title I, Part A of the
11 federal Elementary and Secondary Education Act of 1965.

12 (Source: P.A. 103-175, eff. 6-30-23; 103-735, eff. 1-1-25;
13 revised 11-26-24.)

14 (105 ILCS 5/2-3.169)

15 Sec. 2-3.169. State Global Scholar Certification.

16 (a) The State Global Scholar Certification Program is
17 established to recognize ~~recognized~~ public and nonpublic high
18 school graduates who have attained global competence. State
19 Global Scholar Certification shall be awarded beginning with
20 the 2017-2018 school year. School district or nonpublic school
21 participation in this certification is voluntary.

22 (b) The purposes of State Global Scholar Certification are
23 as follows:

24 (1) To recognize the value of a global education.

25 (2) To certify attainment of global competence.

1 (3) To provide employers with a method of identifying
2 globally competent employees.

3 (4) To provide colleges and universities with an
4 additional method to recognize applicants seeking
5 admission.

6 (5) To prepare students with 21st century skills.

7 (6) To encourage the development of a globally ready
8 workforce in the STEM (science, technology, engineering,
9 and mathematics), manufacturing, agriculture, and service
10 sectors.

11 (c) State Global Scholar Certification confirms attainment
12 of global competence, sufficient for meaningful use in college
13 and a career, by a graduating public or nonpublic high school
14 student.

15 (d) The State Board of Education shall adopt such rules as
16 may be necessary to establish the criteria that students must
17 achieve to earn State Global Scholar Certification, which
18 shall minimally include attainment of 6 globally focused
19 courses, service learning experiences, global collaboration or
20 dialogue, and passage of a capstone project demonstrating
21 global competency, as approved by the participating school
22 district or nonpublic school for this purpose.

23 (e) The State Board of Education shall do both of the
24 following:

25 (1) Prepare and deliver to participating school
26 districts or nonpublic schools an appropriate mechanism

1 for designating State Global Scholar Certification on the
2 diploma and transcript of a student indicating that the
3 student has been awarded State Global Scholar
4 Certification by the State Board of Education.

5 (2) Provide other information the State Board of
6 Education deems necessary for school districts or
7 nonpublic schools to successfully participate in the
8 certification.

9 (f) A school district or nonpublic school that
10 participates in certification under this Section shall do both
11 of the following:

12 (1) Maintain appropriate records in order to identify
13 students who have earned State Global Scholar
14 Certification.

15 (2) Make the appropriate designation on the diploma
16 and transcript of each student who earns State Global
17 Scholar Certification.

18 (g) No fee may be charged to a student to receive the
19 designation pursuant to the Section. Notwithstanding this
20 prohibition, costs may be incurred by the student in
21 demonstrating proficiency.

22 (h) The State Board of Education shall adopt such rules as
23 may be necessary to provide students attending schools that do
24 not offer State Global Scholar Certification the opportunity
25 to earn State Global Scholar Certification remotely beginning
26 with the 2026-2027 school year. These rules shall include, but

1 are not limited to, a list of all school courses and course
2 codes derived from the State Board of Education's Illinois
3 State Course Catalog and Illinois Virtual Course Catalog that
4 are designated as and qualify as globally focused coursework.

5 If the provider of the online course determines and can
6 demonstrate that a student meets all of the criteria required
7 to earn State Global Scholar Certification, then the school
8 district or nonpublic school shall designate that the student
9 has earned State Global Scholar Certification on the student's
10 diploma and transcript.

11 A school district or nonpublic school shall provide, upon
12 the request of a student, evidence to the student that the
13 student has completed at least 6 globally focused courses
14 required to earn State Global Scholar Certification for the
15 student to submit to the provider of the online course.

16 A student enrolled in a school district or nonpublic
17 school that awarded State Global Scholar Certification prior
18 to the 2026-2027 school year and offered a course to complete
19 the capstone project requirement prior to the 2026-2027 school
20 year may not earn State Global Scholar Certification remotely
21 under this subsection (h).

22 (Source: P.A. 103-352, eff. 7-28-23; 103-979, eff. 1-1-25;
23 revised 11-26-24.)

24 (105 ILCS 5/2-3.204)

25 Sec. 2-3.204. Type 1 diabetes informational materials.

1 (a) The State Board of Education, in coordination with the
2 Department of Public Health, shall develop type 1 diabetes
3 informational materials for the parents and guardians of
4 students. The informational materials shall be made available
5 to each school district and charter school on the State
6 Board's Internet website. Each school district and charter
7 school shall post the informational materials on the school
8 district's or charter school's website, if any.

9 (b) Information developed pursuant to this Section may
10 include, but is not limited to, all of the following:

11 (1) A description of type 1 diabetes.

12 (2) A description of the risk factors and warning
13 signs associated with type 1 diabetes.

14 (3) A recommendation regarding a student displaying
15 warning signs associated with type 1 diabetes that the
16 parent or guardian of the student should immediately
17 consult with the student's primary care provider to
18 determine if immediate screening for type 1 diabetes is
19 appropriate.

20 (4) A description of the screening process for type 1
21 diabetes and the implications of test results.

22 (5) A recommendation that, following a type 1 diabetes
23 diagnosis, the parent or guardian should consult with the
24 student's primary care provider to develop an appropriate
25 treatment plan, which may include consultation with and
26 examination by a specialty care provider, including, but

1 not limited to, a properly qualified endocrinologist.

2 (Source: P.A. 103-641, eff. 7-1-24.)

3 (105 ILCS 5/2-3.205)

4 Sec. 2-3.205 ~~2-3.204~~. Air quality resources. The State
5 Board of Education shall, in consultation with the Department
6 of Public Health, compile resources for elementary and
7 secondary schools relating to indoor air quality in schools,
8 including best practices for assessing and maintaining
9 ventilation systems and information on any potential State or
10 federal funding sources that may assist a school in
11 identifying ventilation needs. The State Board of Education
12 shall compile these resources in consultation with
13 stakeholders, including, but not limited to, the Department of
14 Public Health, local public health professionals, ventilation
15 professionals affiliated with a Department of Labor
16 apprenticeship program, licensed design professionals,
17 representatives from regional offices of education, school
18 district administrators, teachers, or any other relevant
19 professionals, stakeholders, or representatives of State
20 agencies. No later than 30 days after resources are compiled
21 under this Section, the State Board of Education shall
22 implement outreach strategies to make the compiled resources
23 available to elementary and secondary schools, including
24 publication of the compiled resources on the State Board of
25 Education's website. The State Board of Education may, in

1 consultation with the Department of Public Health or any other
2 relevant stakeholders, update the compiled resources as
3 necessary.

4 (Source: P.A. 103-736, eff. 1-1-25; revised 12-3-24.)

5 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

6 Sec. 5-1. County school units.

7 (a) The territory in each county, exclusive of any school
8 district governed by any special act which requires the
9 district to appoint its own school treasurer, shall constitute
10 a county school unit. County school units of less than
11 2,000,000 inhabitants shall be known as Class I county school
12 units and the office of township trustees, where existing on
13 July 1, 1962, in such units shall be abolished on that date and
14 all books and records of such former township trustees shall
15 be forthwith thereafter transferred to the county board of
16 school trustees. County school units of 2,000,000 or more
17 inhabitants shall be known as Class II county school units and
18 shall retain the office of township trustees unless otherwise
19 provided in subsection (b), (c), or (d), or shall be
20 administered as provided in Section 5-2.2.

21 (b) Notwithstanding subsections (a) and (c), the school
22 board of any elementary school district having a fall, 1989
23 aggregate enrollment of at least 2,500 but less than 6,500
24 pupils and having boundaries that are coterminous with the
25 boundaries of a high school district, and the school board of

1 any high school district having a fall, 1989 aggregate
2 enrollment of at least 2,500 but less than 6,500 pupils and
3 having boundaries that are coterminous with the boundaries of
4 an elementary school district, may, whenever the territory of
5 such school district forms a part of a Class II county school
6 unit, by proper resolution withdraw such school district from
7 the jurisdiction and authority of the trustees of schools of
8 the township in which such school district is located and from
9 the jurisdiction and authority of the township treasurer in
10 such Class II county school unit; provided that the school
11 board of any such school district shall, upon the adoption and
12 passage of such resolution, thereupon elect or appoint its own
13 school treasurer as provided in Section 8-1. Upon the adoption
14 and passage of such resolution and the election or appointment
15 by the school board of its own school treasurer: (1) the
16 trustees of schools in such township shall no longer have or
17 exercise any powers and duties with respect to the school
18 district governed by such school board or with respect to the
19 school business, operations or assets of such school district;
20 and (2) all books and records of the township trustees
21 relating to the school business and affairs of such school
22 district shall be transferred and delivered to the school
23 board of such school district. Upon the effective date of
24 Public Act 88-155 ~~this amendatory Act of 1993~~, the legal title
25 to, and all right, title, and interest formerly held by the
26 township trustees in any school buildings and school sites

1 used and occupied by the school board of such school district
2 for school purposes, that legal title, right, title, and
3 interest thereafter having been transferred to and vested in
4 the regional board of school trustees under Public Act P.A.
5 87-473 until the abolition of that regional board of school
6 trustees by Public Act P.A. 87-969, shall be deemed
7 transferred by operation of law to and shall vest in the school
8 board of that school district.

9 Notwithstanding subsections (a) and (c), the school boards
10 of Oak Park & River Forest District 200, Oak Park Elementary
11 School District 97, and River Forest School District 90 may,
12 by proper resolution, withdraw from the jurisdiction and
13 authority of the trustees of schools of Proviso and Cicero
14 Townships and the township treasurer, provided that the school
15 board shall, upon the adoption and passage of the resolution,
16 elect or appoint its own school treasurer as provided in
17 Section 8-1 of this Code. Upon the adoption and passage of the
18 resolution and the election or appointment by the school board
19 of its own school treasurer: (1) the trustees of schools in the
20 township or townships shall no longer have or exercise any
21 powers or duties with respect to the school district or with
22 respect to the school business, operations, or assets of the
23 school district; (2) all books and records of the trustees of
24 schools and all moneys, securities, loanable funds, and other
25 assets relating to the school business and affairs of the
26 school district shall be transferred and delivered to the

1 school board; and (3) all legal title to and all right, title,
2 and interest formerly held by the trustees of schools in any
3 common school lands, school buildings, or school sites used
4 and occupied by the school board and all rights of property and
5 causes of action pertaining to or constituting a part of the
6 common school lands, buildings, or sites shall be deemed
7 transferred by operation of law to and shall vest in the school
8 board.

9 Notwithstanding subsections (a) and (c), the respective
10 school boards of Berwyn North School District 98, Berwyn South
11 School District 100, Cicero School District 99, and J.S.
12 Morton High School District 201 may, by proper resolution,
13 withdraw from the jurisdiction and authority of the trustees
14 of schools of Cicero Township and the township treasurer,
15 provided that the school board shall, upon the adoption and
16 passage of the resolution, elect or appoint its own school
17 treasurer as provided in Section 8-1 of this Code. Upon the
18 adoption and passage of the resolution and the election or
19 appointment by the school board of its own school treasurer:

20 (1) the trustees of schools in the township shall no longer
21 have or exercise any powers or duties with respect to the
22 school district or with respect to the school business,
23 operations, or assets of the school district; (2) all books
24 and records of the trustees of schools and all moneys,
25 securities, loanable funds, and other assets relating to the
26 school business and affairs of the school district shall be

1 transferred and delivered to the school board; and (3) all
2 legal title to and all right, title, and interest formerly
3 held by the trustees of schools in any common school lands,
4 school buildings, or school sites used and occupied by the
5 school board and all rights of property and causes of action
6 pertaining to or constituting a part of the common school
7 lands, buildings, or sites shall be deemed transferred by
8 operation of law to and shall vest in the school board.

9 Notwithstanding subsections (a) and (c) of this Section
10 and upon final judgment, including the exhaustion of all
11 appeals or a settlement between all parties, regarding claims
12 set forth in the case of Township Trustees of Schools Township
13 38 North, Range 12 East v. Lyons Township High School District
14 No. 204 case N. 13 CH 23386 pending in 2018 in the Circuit
15 Court of Cook County, Illinois, County Department, Chancery
16 Division, and all related pending claims, the school board of
17 Lyons Township High School District 204 may commence, by
18 proper resolution, to withdraw from the jurisdiction and
19 authority of the trustees of schools of Lyons Township and the
20 township treasurer, provided that the school board shall, upon
21 the adoption and passage of the resolution, elect or appoint
22 its own school treasurer as provided in Section 8-1 of this
23 Code. Upon the adoption and passage of the resolution and the
24 election or appointment by the school board of its own school
25 treasurer commencing with the first day of the succeeding
26 fiscal year, but not prior to July 1, 2019: (1) the trustees of

1 schools in the township shall no longer have or exercise any
2 powers or duties with respect to the school district or with
3 respect to the school business, operations, or assets of the
4 school district; (2) all books and records of the trustees of
5 schools and all moneys, securities, loanable funds, and other
6 assets relating to the school business and affairs of the
7 school district shall be transferred and delivered to the
8 school board, allowing for a reasonable period of time not to
9 exceed 90 days to liquidate any pooled investments; and (3)
10 all legal title to and all right, title, and interest formerly
11 held by the trustees of schools in any common school lands,
12 school buildings, or school sites used and occupied by the
13 school board and all rights of property and causes of action
14 pertaining to or constituting a part of the common school
15 lands, buildings, or sites shall be deemed transferred by
16 operation of law to and shall vest in the school board. The
17 changes made to this Section by Public Act 100-921 ~~this~~
18 ~~amendatory Act of the 100th General Assembly~~ are prospective
19 only, starting from August 17, 2018 (the effective date of
20 Public Act 100-921) ~~this amendatory Act of the 100th General~~
21 ~~Assembly~~, and shall not affect any legal action pending on
22 August 17, 2018 (the effective date of Public Act 100-921)
23 ~~this amendatory Act of the 100th General Assembly~~ in the
24 Illinois courts in which Lyons Township High School District
25 204 is a listed party.

26 Notwithstanding subsections (a) and (c), the school boards

1 of Glenbrook High School District 225, Northbrook Elementary
2 School District 27, Northbrook School District 28, Sunset
3 Ridge School District 29, Northbrook/Glenview School District
4 30, West Northfield School District 31, and Glenview Community
5 Consolidated School District 34 may, by proper resolution,
6 withdraw from the jurisdiction and authority of the trustees
7 of schools of Northfield and Maine Townships and the township
8 treasurer, provided that the school board shall, upon the
9 adoption and passage of the resolution, elect or appoint its
10 own school treasurer as provided in Section 8-1 of this Code.
11 Upon the adoption and passage of the resolution and the
12 election or appointment by the school board of its own school
13 treasurer: (1) the trustees of schools in the township or
14 townships shall no longer have or exercise any powers or
15 duties with respect to the school district or with respect to
16 the school business, operations, or assets of the school
17 district; (2) all books and records of the trustees of schools
18 and all moneys, securities, loanable funds, and other assets
19 relating to the school business and affairs of the school
20 district shall be transferred and delivered to the school
21 board; and (3) all legal title to and all right, title, and
22 interest formerly held by the trustees of schools in any
23 common school lands, school buildings, or school sites used
24 and occupied by the school board and all rights of property and
25 causes of action pertaining to or constituting a part of the
26 common school lands, buildings, or sites shall be deemed

1 transferred by operation of law to and shall vest in the school
2 board.

3 (c) Notwithstanding the provisions of subsection (a), the
4 offices of township treasurer and trustee of schools of any
5 township located in a Class II county school unit shall be
6 abolished as provided in this subsection if all of the
7 following conditions are met:

8 (1) During the same 30-day ~~30-day~~ period, each school
9 board of each elementary and unit school district that is
10 subject to the jurisdiction and authority of the township
11 treasurer and trustees of schools of the township in which
12 those offices are sought to be abolished gives written
13 notice by certified mail, return receipt requested to the
14 township treasurer and trustees of schools of that
15 township of the date of a meeting of the school board, to
16 be held not more than 90 nor less than 60 days after the
17 date when the notice is given, at which meeting the school
18 board is to consider and vote upon the question of whether
19 there shall be submitted to the electors of the school
20 district a proposition to abolish the offices of township
21 treasurer and trustee of schools of that township. None of
22 the notices given under this paragraph to the township
23 treasurer and trustees of schools of a township shall be
24 deemed sufficient or in compliance with the requirements
25 of this paragraph unless all of those notices are given
26 within the same 30-day ~~30-day~~ period.

1 (2) Each school board of each elementary and unit
2 school district that is subject to the jurisdiction and
3 authority of the township treasurer and trustees of
4 schools of the township in which those offices are sought
5 to be abolished, by the affirmative vote of at least 5
6 members of the school board at a school board meeting of
7 which notice is given as required by paragraph (1) of this
8 subsection, adopts a resolution requiring the secretary of
9 the school board to certify to the proper election
10 authorities for submission to the electors of the school
11 district at the next consolidated election in accordance
12 with the general election law a proposition to abolish the
13 offices of township treasurer and trustee of schools of
14 that township. None of the resolutions adopted under this
15 paragraph by any elementary or unit school districts that
16 are subject to the jurisdiction and authority of the
17 township treasurer and trustees of schools of the township
18 in which those offices are sought to be abolished shall be
19 deemed in compliance with the requirements of this
20 paragraph or sufficient to authorize submission of the
21 proposition to abolish those offices to a referendum of
22 the electors in any such school district unless all of the
23 school boards of all of the elementary and unit school
24 districts that are subject to the jurisdiction and
25 authority of the township treasurer and trustees of
26 schools of that township adopt such a resolution in

1 accordance with the provisions of this paragraph.

2 (3) The school boards of all of the elementary and
3 unit school districts that are subject to the jurisdiction
4 and authority of the township treasurer and trustees of
5 schools of the township in which those offices are sought
6 to be abolished submit a proposition to abolish the
7 offices of township treasurer and trustee of schools of
8 that township to the electors of their respective school
9 districts at the same consolidated election in accordance
10 with the general election law, the ballot in each such
11 district to be in substantially the following form:

12 -----

13 OFFICIAL BALLOT

14 Shall the offices of township

15 treasurer and

YES

16 trustee of

17 schools of Township

NO

18 Range be abolished?

19 -----

20 (4) At the consolidated election at which the
21 proposition to abolish the offices of township treasurer
22 and trustee of schools of a township is submitted to the
23 electors of each elementary and unit school district that
24 is subject to the jurisdiction and authority of the
25 township treasurer and trustee of schools of that
26 township, a majority of the electors voting on the

1 proposition in each such elementary and unit school
2 district votes in favor of the proposition as submitted to
3 them.

4 If in each elementary and unit school district that is
5 subject to the jurisdiction and authority of the township
6 treasurer and trustees of schools of the township in which
7 those offices are sought to be abolished a majority of the
8 electors in each such district voting at the consolidated
9 election on the proposition to abolish the offices of township
10 treasurer and trustee of schools of that township votes in
11 favor of the proposition as submitted to them, the proposition
12 shall be deemed to have passed; but if in any such elementary
13 or unit school district a majority of the electors voting on
14 that proposition in that district fails to vote in favor of the
15 proposition as submitted to them, then notwithstanding the
16 vote of the electors in any other such elementary or unit
17 school district on that proposition the proposition shall not
18 be deemed to have passed in any of those elementary or unit
19 school districts, and the offices of township treasurer and
20 trustee of schools of the township in which those offices were
21 sought to be abolished shall not be abolished, unless in each
22 of those elementary and unit school districts remaining
23 subject to the jurisdiction and authority of the township
24 treasurer and trustees of schools of that township proceedings
25 are again initiated to abolish those offices and all of the
26 proceedings and conditions prescribed in paragraphs (1)

1 through (4) of this subsection are repeated and met in each of
2 those elementary and unit school districts.

3 Notwithstanding the foregoing provisions of this Section
4 or any other provision of the School Code, the offices of
5 township treasurer and trustee of schools of a township that
6 has a population of less than 200,000 and that contains a unit
7 school district and is located in a Class II county school unit
8 shall also be abolished as provided in this subsection if all
9 of the conditions set forth in paragraphs (1), (2), and (3) of
10 this subsection are met and if the following additional
11 condition is met:

12 The electors in all of the school districts subject to
13 the jurisdiction and authority of the township treasurer
14 and trustees of schools of the township in which those
15 offices are sought to be abolished shall vote at the
16 consolidated election on the proposition to abolish the
17 offices of township treasurer and trustee of schools of
18 that township. If a majority of the electors in all of the
19 school districts combined voting on the proposition vote
20 in favor of the proposition, then the proposition shall be
21 deemed to have passed; but if a majority of the electors
22 voting on the proposition in all of the school district
23 fails to vote in favor of the proposition as submitted to
24 them, then the proposition shall not be deemed to have
25 passed and the offices of township treasurer and trustee
26 of schools of the township in which those offices were

1 sought to be abolished shall not be abolished, unless and
2 until the proceedings detailed in paragraphs (1) through
3 (3) of this subsection and the conditions set forth in
4 this paragraph are met.

5 If the proposition to abolish the offices of township
6 treasurer and trustee of schools of a township is deemed to
7 have passed at the consolidated election as provided in this
8 subsection, those offices shall be deemed abolished by
9 operation of law effective on January 1 of the calendar year
10 immediately following the calendar year in which that
11 consolidated election is held, provided that if after the
12 election, the trustees of schools by resolution elect to
13 abolish the offices of township treasurer and trustee of
14 schools effective on July 1 immediately following the
15 election, then the offices shall be abolished on July 1
16 immediately following the election. On the date that the
17 offices of township treasurer and trustee of schools of a
18 township are deemed abolished by operation of law, the school
19 board of each elementary and unit school district and the
20 school board of each high school district that is subject to
21 the jurisdiction and authority of the township treasurer and
22 trustees of schools of that township at the time those offices
23 are abolished: (i) shall appoint its own school treasurer as
24 provided in Section 8-1; and (ii) unless the term of the
25 contract of a township treasurer expires on the date that the
26 office of township treasurer is abolished, shall pay to the

1 former township treasurer its proportionate share of any
2 aggregate compensation that, were the office of township
3 treasurer not abolished at that time, would have been payable
4 to the former township treasurer after that date over the
5 remainder of the term of the contract of the former township
6 treasurer that began prior to but ends after that date. In
7 addition, on the date that the offices of township treasurer
8 and trustee of schools of a township are deemed abolished as
9 provided in this subsection, the school board of each
10 elementary school, high school, and unit school district that
11 until that date is subject to the jurisdiction and authority
12 of the township treasurer and trustees of schools of that
13 township shall be deemed by operation of law to have agreed and
14 assumed to pay and, when determined, shall pay to the Illinois
15 Municipal Retirement Fund a proportionate share of the
16 unfunded liability existing in that Fund at the time these
17 offices are abolished in that calendar year for all annuities
18 or other benefits then or thereafter to become payable from
19 that Fund with respect to all periods of service performed
20 prior to that date as a participating employee in that Fund by
21 persons serving during those periods of service as a trustee
22 of schools, township treasurer or regular employee in the
23 office of the township treasurer of that township. That
24 unfunded liability shall be actuarially determined by the
25 board of trustees of the Illinois Municipal Retirement Fund,
26 and the board of trustees shall thereupon notify each school

1 board required to pay a proportionate share of that unfunded
2 liability of the aggregate amount of the unfunded liability so
3 determined. The amount so paid to the Illinois Municipal
4 Retirement Fund by each of those school districts shall be
5 credited to the account of the township in that Fund. For each
6 elementary school, high school, and unit school district under
7 the jurisdiction and authority of a township treasurer and
8 trustees of schools of a township in which those offices are
9 abolished as provided in this subsection, each such district's
10 proportionate share of the aggregate compensation payable to
11 the former township treasurer as provided in this paragraph
12 and each such district's proportionate share of the aggregate
13 amount of the unfunded liability payable to the Illinois
14 Municipal Retirement Fund as provided in this paragraph shall
15 be computed in accordance with the ratio that the number of
16 pupils in average daily attendance in each such district for
17 the school year last ending prior to the date on which the
18 offices of township treasurer and trustee of schools of that
19 township are abolished bears to the aggregate number of pupils
20 in average daily attendance in all of those districts as so
21 reported for that school year.

22 Upon abolition of the offices of township treasurer and
23 trustee of schools of a township as provided in this
24 subsection: (i) the regional board of school trustees, in its
25 corporate capacity, shall be deemed the successor in interest
26 to the former trustees of schools of that township with

1 respect to the common school lands and township loanable funds
2 of the township; (ii) all right, title, and interest existing
3 or vested in the former trustees of schools of that township in
4 the common school lands and township loanable funds of the
5 township, and all records, moneys, securities and other
6 assets, rights of property and causes of action pertaining to
7 or constituting a part of those common school lands or
8 township loanable funds, shall be transferred to and deemed
9 vested by operation of law in the regional board of school
10 trustees, which shall hold legal title to, manage, and operate
11 all common school lands and township loanable funds of the
12 township, receive the rents, issues, and profits therefrom,
13 and have and exercise with respect thereto the same powers and
14 duties as are provided by this Code to be exercised by regional
15 boards of school trustees when acting as township land
16 commissioners in counties having at least 220,000 but fewer
17 than 2,000,000 inhabitants; (iii) the regional board of school
18 trustees shall select to serve as its treasurer with respect
19 to the common school lands and township loanable funds of the
20 township a person from time to time also serving as the
21 appointed school treasurer of any school district that was
22 subject to the jurisdiction and authority of the township
23 treasurer and trustees of schools of that township at the time
24 those offices were abolished, and the person selected to also
25 serve as treasurer of the regional board of school trustees
26 shall have his compensation for services in that capacity

1 fixed by the regional board of school trustees, to be paid from
2 the township loanable funds, and shall make to the regional
3 board of school trustees the reports required to be made by
4 treasurers of township land commissioners, give bond as
5 required by treasurers of township land commissioners, and
6 perform the duties and exercise the powers of treasurers of
7 township land commissioners; (iv) the regional board of school
8 trustees shall designate in the manner provided by Section
9 8-7, insofar as applicable, a depository for its treasurer,
10 and the proceeds of all rents, issues, and profits from the
11 common school lands and township loanable funds of that
12 township shall be deposited and held in the account maintained
13 for those purposes with that depository and shall be expended
14 and distributed therefrom as provided in Section 15-24 and
15 other applicable provisions of this Code; and (v) whenever
16 there is vested in the trustees of schools of a township at the
17 time that office is abolished under this subsection the legal
18 title to any school buildings or school sites used or occupied
19 for school purposes by any elementary school, high school, or
20 unit school district subject to the jurisdiction and authority
21 of those trustees of school at the time that office is
22 abolished, the legal title to those school buildings and
23 school sites shall be deemed transferred by operation of law
24 to and invested in the school board of that school district, in
25 its corporate capacity under Section 10-22.35B of this Code,
26 the same to be held, sold, exchanged, leased, or otherwise

1 transferred in accordance with applicable provisions of this
2 Code.

3 Notwithstanding Section 2-3.25g of this Code, a waiver of
4 a mandate established under this Section may not be requested.

5 (d) Notwithstanding any other provision of law, any school
6 district that forms a part of a Class II county school unit
7 may, by a resolution adopted by at least two-thirds of the
8 members of the school board of a school district, withdraw a
9 school district from the jurisdiction and authority of the
10 trustees of schools of the township in which such school
11 district is located and from the jurisdiction and authority of
12 the township treasurer of the township in which such school
13 district is located, provided that the school board of the
14 school district shall, upon the adoption and passage of such
15 resolution, thereupon elect or appoint its own school
16 treasurer as provided in Section 8-1 of this Code. The
17 appointed school treasurer may include a township treasurer.
18 The school board may enter into a contractual or
19 intergovernmental agreement with an appointed school treasurer
20 for school treasurer services.

21 Upon adoption and passage of the resolution and the
22 election or appointment by the school board of its own school
23 treasurer commencing with the first day of the succeeding
24 fiscal year, but not prior to July 1, 2025: (1) the trustees of
25 schools in the township or townships shall no longer have or
26 exercise any powers or duties with respect to the school

1 district or with respect to the school business, operations,
2 or assets of the school district; (2) all books and records of
3 the trustees of schools and all moneys, securities, loanable
4 funds, and other assets relating to the school business and
5 affairs of the school district shall be transferred and
6 delivered to the school board; and (3) all legal title to and
7 all right, title, and interest formerly held by the trustees
8 of schools in any common school lands, school buildings, or
9 school sites used and occupied by the school board and all
10 rights of property and causes of action pertaining to or
11 constituting a part of the common school lands, buildings, or
12 sites shall be deemed transferred by operation of law to and
13 shall vest in the school board.

14 (Source: P.A. 103-144, eff. 6-30-23; 103-790, eff. 8-9-24;
15 revised 10-21-24.)

16 (105 ILCS 5/5-2.2)

17 Sec. 5-2.2. Designation of trustees. After the April 5,
18 2011 consolidated election, the trustees of schools in
19 Township 36 North, Range 13 East shall no longer be elected
20 pursuant to the provisions of Sections 5-2, 5-2.1, 5-3, 5-4,
21 5-12, and 5-13 of this Code. Any such trustees elected before
22 such date may complete the term to which that trustee was
23 elected, but shall not be succeeded by election. Instead, the
24 board of education or board of school directors of each of the
25 elementary and high school districts that are subject to the

1 jurisdiction of Township 36 North, Range 13 East shall appoint
2 one of the members to serve as trustee of schools. The trustees
3 of schools shall be appointed by each board of education or
4 board of school directors within 60 days after December 8,
5 2011 (the effective date of Public Act 97-631) ~~this amendatory~~
6 ~~Act of the 97th General Assembly~~ and shall reorganize within
7 30 days after all the trustees of schools have been appointed
8 or within 30 days after all the trustees of schools were due to
9 have been appointed, whichever is sooner. Trustees of schools
10 so appointed shall serve at the pleasure of the board of
11 education or board of school directors appointing them, but in
12 no event longer than 2 years unless reappointed.

13 After the April 4, 2023 consolidated election, no trustees
14 of schools shall be elected. Any trustees elected or appointed
15 on or before April 4, 2023 may complete the term to which that
16 trustee was ~~trustees~~ elected or appointed, but may not be
17 succeeded by election. Each school board of each school
18 district that is a part of a Class II county school unit shall
19 appoint one member of the school board or one school employee
20 to serve as trustee of schools of the township in which such
21 school district is located. The trustees of schools shall be
22 appointed by each school board within 60 days after August 9,
23 2024 (the effective date of Public Act 103-790) ~~this~~
24 ~~amendatory Act of the 103rd General Assembly~~ and shall
25 reorganize within 30 days after all the trustees of schools
26 have been appointed or within 90 days after August 9, 2024 (the

1 effective date of Public Act 103-790) ~~this amendatory Act of~~
2 ~~the 103rd General Assembly~~, whichever is sooner. A trustee of
3 schools shall serve at the pleasure of the school board that
4 appointed the trustee of schools but may not serve as a trustee
5 of schools for longer than 2 years unless reappointed by the
6 school board.

7 A majority of members of the trustees of schools shall
8 constitute a quorum for the transaction of business. The
9 trustees shall organize by appointing one of their number
10 president, who shall hold the office for 2 years. If the
11 president is absent from any meeting, or refuses to perform
12 any of the duties of the office, a president pro-tempore may be
13 appointed. Trustees who serve on the board as a result of
14 appointment or election at the time of the reorganization
15 shall continue to serve as a member of the trustees of schools,
16 with no greater or lesser authority than any other trustee,
17 until such time as their elected term expires.

18 Each trustee of schools appointed by a board of education
19 or board of school directors shall be entitled to
20 indemnification and protection against claims and suits by the
21 board that appointed that trustee of schools for acts or
22 omissions as a trustee of schools in the same manner and to the
23 same extent as the trustee of schools is entitled to
24 indemnification and protection for acts or omissions as a
25 member of the board of education or board of school directors
26 under Section 10-20.20 of this Code.

(Source: P.A. 103-790, eff. 8-9-24; revised 10-21-24.)

(105 ILCS 5/5-13) (from Ch. 122, par. 5-13)

Sec. 5-13. Term of office of trustees. In townships already organized, the school trustee shall be elected in each odd numbered year for a term of 6 years to succeed the trustee whose term expires in such odd numbered year.

The first-elected trustees in a newly organized township shall at their first meeting cast lots for their respective terms of office, for 2, 4, and 6 years; and thereafter one trustee shall be elected in each odd-numbered year.

This Section is inoperative on and after August 9, 2024 (the effective date of Public Act 103-790) ~~this amendatory Act of the 103rd General Assembly.~~

(Source: P.A. 103-790, eff. 8-9-24; revised 10-21-24.)

(105 ILCS 5/10-16a)

(Text of Section before amendment by P.A. 103-771)

Sec. 10-16a. School board member's leadership training.

(a) This Section applies to all school board members serving pursuant to Section 10-10 of this Code who have been elected after the effective date of this amendatory Act of the 97th General Assembly or appointed to fill a vacancy of at least one year's duration after the effective date of this amendatory Act of the 97th General Assembly.

(a-5) In this Section, "trauma" has the meaning ascribed

1 to that term in subsection (b) of Section 3-11 of this Code.

2 (b) Every voting member of a school board of a school
3 district elected or appointed for a term beginning after the
4 effective date of this amendatory Act of the 97th General
5 Assembly, within a year after the effective date of this
6 amendatory Act of the 97th General Assembly or the first year
7 of his or her first term, shall complete a minimum of 4 hours
8 of professional development leadership training covering
9 topics in education and labor law, financial oversight and
10 accountability, fiduciary responsibilities of a school board
11 member, and, beginning with the 2023-2024 school year,
12 trauma-informed practices for students and staff. The school
13 district shall maintain on its Internet website, if any, the
14 names of all voting members of the school board who have
15 successfully completed the training.

16 (b-5) The training regarding trauma-informed practices for
17 students and staff required by this Section must include
18 information that is relevant to and within the scope of the
19 duties of a school board member. Such information may include,
20 but is not limited to:

21 (1) the recognition of and care for trauma in students
22 and staff;

23 (2) the relationship between staff wellness and
24 student learning;

25 (3) the effect of trauma on student behavior and
26 learning;

1 (4) the prevalence of trauma among students, including
2 the prevalence of trauma among student populations at
3 higher risk of experiencing trauma;

4 (5) the effects of implicit or explicit bias on
5 recognizing trauma among various student groups in
6 connection with race, ethnicity, gender identity, sexual
7 orientation, socio-economic status, and other relevant
8 factors; and

9 (6) effective district and school practices that are
10 shown to:

11 (A) prevent and mitigate the negative effect of
12 trauma on student behavior and learning; and

13 (B) support the emotional wellness of staff.

14 (c) The training on financial oversight, accountability,
15 fiduciary responsibilities, and, beginning with the 2023-24
16 school year, trauma-informed practices for students and staff
17 may be provided by an association established under this Code
18 for the purpose of training school board members or by other
19 qualified providers approved by the State Board of Education,
20 in consultation with an association so established.

21 (d) The State Board of Education may adopt rules that are
22 necessary for the administration of the provisions of this
23 Section.

24 (Source: P.A. 102-638, eff. 1-1-23; 103-413, eff. 1-1-24.)

25 (Text of Section after amendment by P.A. 103-771)

1 Sec. 10-16a. School board member's training.

2 (a) This Section applies to all school board members
3 serving pursuant to Section 10-10 of this Code.

4 (a-5) In this Section, "trauma" has the meaning ascribed
5 to that term in subsection (b) of Section 3-11 of this Code.

6 (b) Every voting member of a school board of a school
7 district, within the first year of his or her first term, shall
8 complete a minimum of 4 hours of professional development and
9 leadership training covering topics in education and labor
10 law, financial oversight and accountability, fiduciary
11 responsibilities of a school board member, trauma-informed
12 practices for students and staff, and, improving student
13 outcomes. The school district shall maintain on its Internet
14 website, if any, the names of all voting members of the school
15 board who have successfully completed the training.

16 (b-5) The training regarding trauma-informed practices for
17 students and staff required by this Section must include
18 information that is relevant to and within the scope of the
19 duties of a school board member. Such information may include,
20 but is not limited to:

21 (1) the recognition of and care for trauma in students
22 and staff;

23 (2) the relationship between staff wellness and
24 student learning;

25 (3) the effect of trauma on student behavior and
26 learning;

1 (4) the prevalence of trauma among students, including
2 the prevalence of trauma among student populations at
3 higher risk of experiencing trauma;

4 (5) the effects of implicit or explicit bias on
5 recognizing trauma among various student groups in
6 connection with race, ethnicity, gender identity, sexual
7 orientation, socio-economic status, and other relevant
8 factors; and

9 (6) effective district and school practices that are
10 shown to:

11 (A) prevent and mitigate the negative effect of
12 trauma on student behavior and learning; and

13 (B) support the emotional wellness of staff.

14 (b-10) The training regarding improving student outcomes
15 required by this Section must include information that is
16 relevant to and within the scope of the duties of a school
17 board member.

18 (c) The training on financial oversight, accountability,
19 fiduciary responsibilities, trauma-informed practices for
20 students and staff, and improving student outcomes shall be
21 provided by a statewide association established under this
22 Code for the purpose of training school board members or by
23 other qualified providers approved by the State Board of
24 Education, in consultation with an association so established.

25 (d) The State Board of Education may adopt rules that are
26 necessary for the administration of the provisions of this

1 Section.

2 (Source: P.A. 102-638, eff. 1-1-23; 103-413, eff. 1-1-24;
3 103-771, eff. 6-1-25; revised 10-21-24.)

4 (105 ILCS 5/10-22.3f)

5 Sec. 10-22.3f. Required health benefits. Insurance
6 protection and benefits for employees shall provide the
7 post-mastectomy care benefits required to be covered by a
8 policy of accident and health insurance under Section 356t and
9 the coverage required under Sections 356g, 356g.5, 356g.5-1,
10 356m, 356q, 356u, 356u.10, 356w, 356x, 356z.4, 356z.4a,
11 356z.6, 356z.8, 356z.9, 356z.11, 356z.12, 356z.13, 356z.14,
12 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32,
13 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,
14 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60,
15 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, ~~and~~ 356z.70, ~~and~~
16 356z.71, 356z.74, and 356z.77 of the Illinois Insurance Code.
17 Insurance policies shall comply with Section 356z.19 of the
18 Illinois Insurance Code. The coverage shall comply with
19 Sections 155.22a, 355b, and 370c of the Illinois Insurance
20 Code. The Department of Insurance shall enforce the
21 requirements of this Section.

22 Rulemaking authority to implement Public Act 95-1045, if
23 any, is conditioned on the rules being adopted in accordance
24 with all provisions of the Illinois Administrative Procedure
25 Act and all rules and procedures of the Joint Committee on

1 Administrative Rules; any purported rule not so adopted, for
2 whatever reason, is unauthorized.

3 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
4 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.
5 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804,
6 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;
7 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff.
8 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420,
9 eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23;
10 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718, eff.
11 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25; 103-918,
12 eff. 1-1-25; 103-1024, eff. 1-1-25; revised 11-26-24.)

13 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

14 (Text of Section before amendment by P.A. 102-466)

15 Sec. 10-22.6. Suspension or expulsion of students; school
16 searches.

17 (a) To expel students guilty of gross disobedience or
18 misconduct, including gross disobedience or misconduct
19 perpetuated by electronic means, pursuant to subsection (b-20)
20 of this Section, and no action shall lie against them for such
21 expulsion. Expulsion shall take place only after the parents
22 have been requested to appear at a meeting of the board, or
23 with a hearing officer appointed by it, to discuss their
24 child's behavior. Such request shall be made by registered or
25 certified mail and shall state the time, place and purpose of

1 the meeting. The board, or a hearing officer appointed by it,
2 at such meeting shall state the reasons for dismissal and the
3 date on which the expulsion is to become effective. If a
4 hearing officer is appointed by the board, the hearing officer
5 shall report to the board a written summary of the evidence
6 heard at the meeting and the board may take such action thereon
7 as it finds appropriate. If the board acts to expel a student,
8 the written expulsion decision shall detail the specific
9 reasons why removing the student from the learning environment
10 is in the best interest of the school. The expulsion decision
11 shall also include a rationale as to the specific duration of
12 the expulsion. An expelled student may be immediately
13 transferred to an alternative program in the manner provided
14 in Article 13A or 13B of this Code. A student must not be
15 denied transfer because of the expulsion, except in cases in
16 which such transfer is deemed to cause a threat to the safety
17 of students or staff in the alternative program.

18 (b) To suspend or by policy to authorize the
19 superintendent of the district or the principal, assistant
20 principal, or dean of students of any school to suspend
21 students guilty of gross disobedience or misconduct, or to
22 suspend students guilty of gross disobedience or misconduct on
23 the school bus from riding the school bus, pursuant to
24 subsections (b-15) and (b-20) of this Section, and no action
25 shall lie against them for such suspension. The board may by
26 policy authorize the superintendent of the district or the

1 principal, assistant principal, or dean of students of any
2 school to suspend students guilty of such acts for a period not
3 to exceed 10 school days. If a student is suspended due to
4 gross disobedience or misconduct on a school bus, the board
5 may suspend the student in excess of 10 school days for safety
6 reasons.

7 Any suspension shall be reported immediately to the
8 parents or guardian of a student along with a full statement of
9 the reasons for such suspension and a notice of their right to
10 a review. The school board must be given a summary of the
11 notice, including the reason for the suspension and the
12 suspension length. Upon request of the parents or guardian,
13 the school board or a hearing officer appointed by it shall
14 review such action of the superintendent or principal,
15 assistant principal, or dean of students. At such review, the
16 parents or guardian of the student may appear and discuss the
17 suspension with the board or its hearing officer. If a hearing
18 officer is appointed by the board, he shall report to the board
19 a written summary of the evidence heard at the meeting. After
20 its hearing or upon receipt of the written report of its
21 hearing officer, the board may take such action as it finds
22 appropriate. If a student is suspended pursuant to this
23 subsection (b), the board shall, in the written suspension
24 decision, detail the specific act of gross disobedience or
25 misconduct resulting in the decision to suspend. The
26 suspension decision shall also include a rationale as to the

1 specific duration of the suspension.

2 (b-5) Among the many possible disciplinary interventions
3 and consequences available to school officials, school
4 exclusions, such as out-of-school suspensions and expulsions,
5 are the most serious. School officials shall limit the number
6 and duration of expulsions and suspensions to the greatest
7 extent practicable, and it is recommended that they use them
8 only for legitimate educational purposes. To ensure that
9 students are not excluded from school unnecessarily, it is
10 recommended that school officials consider forms of
11 non-exclusionary discipline prior to using out-of-school
12 suspensions or expulsions.

13 (b-10) Unless otherwise required by federal law or this
14 Code, school boards may not institute zero-tolerance policies
15 by which school administrators are required to suspend or
16 expel students for particular behaviors.

17 (b-15) Out-of-school suspensions of 3 days or less may be
18 used only if the student's continuing presence in school would
19 pose a threat to school safety or a disruption to other
20 students' learning opportunities. For purposes of this
21 subsection (b-15), "threat to school safety or a disruption to
22 other students' learning opportunities" shall be determined on
23 a case-by-case basis by the school board or its designee.
24 School officials shall make all reasonable efforts to resolve
25 such threats, address such disruptions, and minimize the
26 length of suspensions to the greatest extent practicable.

1 (b-20) Unless otherwise required by this Code,
2 out-of-school suspensions of longer than 3 days, expulsions,
3 and disciplinary removals to alternative schools may be used
4 only if other appropriate and available behavioral and
5 disciplinary interventions have been exhausted and the
6 student's continuing presence in school would either (i) pose
7 a threat to the safety of other students, staff, or members of
8 the school community or (ii) substantially disrupt, impede, or
9 interfere with the operation of the school. For purposes of
10 this subsection (b-20), "threat to the safety of other
11 students, staff, or members of the school community" and
12 "substantially disrupt, impede, or interfere with the
13 operation of the school" shall be determined on a case-by-case
14 basis by school officials. For purposes of this subsection
15 (b-20), the determination of whether "appropriate and
16 available behavioral and disciplinary interventions have been
17 exhausted" shall be made by school officials. School officials
18 shall make all reasonable efforts to resolve such threats,
19 address such disruptions, and minimize the length of student
20 exclusions to the greatest extent practicable. Within the
21 suspension decision described in subsection (b) of this
22 Section or the expulsion decision described in subsection (a)
23 of this Section, it shall be documented whether other
24 interventions were attempted or whether it was determined that
25 there were no other appropriate and available interventions.

26 (b-25) Students who are suspended out-of-school for longer

1 than 3 school days shall be provided appropriate and available
2 support services during the period of their suspension. For
3 purposes of this subsection (b-25), "appropriate and available
4 support services" shall be determined by school authorities.
5 Within the suspension decision described in subsection (b) of
6 this Section, it shall be documented whether such services are
7 to be provided or whether it was determined that there are no
8 such appropriate and available services.

9 A school district may refer students who are expelled to
10 appropriate and available support services.

11 A school district shall create a policy to facilitate the
12 re-engagement of students who are suspended out-of-school,
13 expelled, or returning from an alternative school setting. In
14 consultation with stakeholders deemed appropriate by the State
15 Board of Education, the State Board of Education shall draft
16 and publish guidance for the re-engagement of students who are
17 suspended out-of-school, expelled, or returning from an
18 alternative school setting in accordance with this Section and
19 Section 13A-4 on or before July 1, 2025.

20 (b-30) A school district shall create a policy by which
21 suspended students, including those students suspended from
22 the school bus who do not have alternate transportation to
23 school, shall have the opportunity to make up work for
24 equivalent academic credit. It shall be the responsibility of
25 a student's parent or guardian to notify school officials that
26 a student suspended from the school bus does not have

1 alternate transportation to school.

2 (c) A school board must invite a representative from a
3 local mental health agency to consult with the board at the
4 meeting whenever there is evidence that mental illness may be
5 the cause of a student's expulsion or suspension.

6 (c-5) School districts shall make reasonable efforts to
7 provide ongoing professional development to all school
8 personnel, school board members, and school resource officers,
9 on the requirements of this Section and Section 10-20.14, the
10 adverse consequences of school exclusion and justice-system
11 involvement, effective classroom management strategies,
12 culturally responsive discipline, trauma-responsive learning
13 environments, as defined in subsection (b) of Section 3-11,
14 the appropriate and available supportive services for the
15 promotion of student attendance and engagement, and
16 developmentally appropriate disciplinary methods that promote
17 positive and healthy school climates.

18 (d) The board may expel a student for a definite period of
19 time not to exceed 2 calendar years, as determined on a
20 case-by-case basis. A student who is determined to have
21 brought one of the following objects to school, any
22 school-sponsored activity or event, or any activity or event
23 that bears a reasonable relationship to school shall be
24 expelled for a period of not less than one year:

25 (1) A firearm. For the purposes of this Section,
26 "firearm" means any gun, rifle, shotgun, weapon as defined

1 by Section 921 of Title 18 of the United States Code,
2 firearm as defined in Section 1.1 of the Firearm Owners
3 Identification Card Act, or firearm as defined in Section
4 24-1 of the Criminal Code of 2012. The expulsion period
5 under this subdivision (1) may be modified by the
6 superintendent, and the superintendent's determination may
7 be modified by the board on a case-by-case basis.

8 (2) A knife, brass knuckles or other knuckle weapon
9 regardless of its composition, a billy club, or any other
10 object if used or attempted to be used to cause bodily
11 harm, including "look alike" of any firearm as defined in
12 subdivision (1) of this subsection (d). The expulsion
13 requirement under this subdivision (2) may be modified by
14 the superintendent, and the superintendent's determination
15 may be modified by the board on a case-by-case basis.

16 Expulsion or suspension shall be construed in a manner
17 consistent with the federal Individuals with Disabilities
18 Education Act. A student who is subject to suspension or
19 expulsion as provided in this Section may be eligible for a
20 transfer to an alternative school program in accordance with
21 Article 13A of the School Code.

22 (d-5) The board may suspend or by regulation authorize the
23 superintendent of the district or the principal, assistant
24 principal, or dean of students of any school to suspend a
25 student for a period not to exceed 10 school days or may expel
26 a student for a definite period of time not to exceed 2

1 calendar years, as determined on a case-by-case basis, if (i)
2 that student has been determined to have made an explicit
3 threat on an Internet website against a school employee, a
4 student, or any school-related personnel, (ii) the Internet
5 website through which the threat was made is a site that was
6 accessible within the school at the time the threat was made or
7 was available to third parties who worked or studied within
8 the school grounds at the time the threat was made, and (iii)
9 the threat could be reasonably interpreted as threatening to
10 the safety and security of the threatened individual because
11 of the individual's duties or employment status or status as a
12 student inside the school.

13 (e) To maintain order and security in the schools, school
14 authorities may inspect and search places and areas such as
15 lockers, desks, parking lots, and other school property and
16 equipment owned or controlled by the school, as well as
17 personal effects left in those places and areas by students,
18 without notice to or the consent of the student, and without a
19 search warrant. As a matter of public policy, the General
20 Assembly finds that students have no reasonable expectation of
21 privacy in these places and areas or in their personal effects
22 left in these places and areas. School authorities may request
23 the assistance of law enforcement officials for the purpose of
24 conducting inspections and searches of lockers, desks, parking
25 lots, and other school property and equipment owned or
26 controlled by the school for illegal drugs, weapons, or other

1 illegal or dangerous substances or materials, including
2 searches conducted through the use of specially trained dogs.
3 If a search conducted in accordance with this Section produces
4 evidence that the student has violated or is violating either
5 the law, local ordinance, or the school's policies or rules,
6 such evidence may be seized by school authorities, and
7 disciplinary action may be taken. School authorities may also
8 turn over such evidence to law enforcement authorities.

9 (f) Suspension or expulsion may include suspension or
10 expulsion from school and all school activities and a
11 prohibition from being present on school grounds.

12 (g) A school district may adopt a policy providing that if
13 a student is suspended or expelled for any reason from any
14 public or private school in this or any other state, the
15 student must complete the entire term of the suspension or
16 expulsion in an alternative school program under Article 13A
17 of this Code or an alternative learning opportunities program
18 under Article 13B of this Code before being admitted into the
19 school district if there is no threat to the safety of students
20 or staff in the alternative program.

21 (h) School officials shall not advise or encourage
22 students to drop out voluntarily due to behavioral or academic
23 difficulties.

24 (i) A student may not be issued a monetary fine or fee as a
25 disciplinary consequence, though this shall not preclude
26 requiring a student to provide restitution for lost, stolen,

1 or damaged property.

2 (j) Subsections (a) through (i) of this Section shall
3 apply to elementary and secondary schools, charter schools,
4 special charter districts, and school districts organized
5 under Article 34 of this Code.

6 (k) The expulsion of students enrolled in programs funded
7 under Section 1C-2 of this Code is subject to the requirements
8 under paragraph (7) of subsection (a) of Section 2-3.71 of
9 this Code.

10 (l) An in-school suspension program provided by a school
11 district for any students in kindergarten through grade 12 may
12 focus on promoting non-violent conflict resolution and
13 positive interaction with other students and school personnel.
14 A school district may employ a school social worker or a
15 licensed mental health professional to oversee an in-school
16 suspension program in kindergarten through grade 12.

17 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22;
18 103-594, eff. 6-25-24; 103-896, eff. 8-9-24; revised 9-25-24.)

19 (Text of Section after amendment by P.A. 102-466)

20 Sec. 10-22.6. Suspension or expulsion of students; school
21 searches.

22 (a) To expel students guilty of gross disobedience or
23 misconduct, including gross disobedience or misconduct
24 perpetuated by electronic means, pursuant to subsection (b-20)
25 of this Section, and no action shall lie against them for such

1 expulsion. Expulsion shall take place only after the parents
2 or guardians have been requested to appear at a meeting of the
3 board, or with a hearing officer appointed by it, to discuss
4 their child's behavior. Such request shall be made by
5 registered or certified mail and shall state the time, place
6 and purpose of the meeting. The board, or a hearing officer
7 appointed by it, at such meeting shall state the reasons for
8 dismissal and the date on which the expulsion is to become
9 effective. If a hearing officer is appointed by the board, the
10 hearing officer shall report to the board a written summary of
11 the evidence heard at the meeting and the board may take such
12 action thereon as it finds appropriate. If the board acts to
13 expel a student, the written expulsion decision shall detail
14 the specific reasons why removing the student from the
15 learning environment is in the best interest of the school.
16 The expulsion decision shall also include a rationale as to
17 the specific duration of the expulsion. An expelled student
18 may be immediately transferred to an alternative program in
19 the manner provided in Article 13A or 13B of this Code. A
20 student must not be denied transfer because of the expulsion,
21 except in cases in which such transfer is deemed to cause a
22 threat to the safety of students or staff in the alternative
23 program.

24 (b) To suspend or by policy to authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend

1 students guilty of gross disobedience or misconduct, or to
2 suspend students guilty of gross disobedience or misconduct on
3 the school bus from riding the school bus, pursuant to
4 subsections (b-15) and (b-20) of this Section, and no action
5 shall lie against them for such suspension. The board may by
6 policy authorize the superintendent of the district or the
7 principal, assistant principal, or dean of students of any
8 school to suspend students guilty of such acts for a period not
9 to exceed 10 school days. If a student is suspended due to
10 gross disobedience or misconduct on a school bus, the board
11 may suspend the student in excess of 10 school days for safety
12 reasons.

13 Any suspension shall be reported immediately to the
14 parents or guardians of a student along with a full statement
15 of the reasons for such suspension and a notice of their right
16 to a review. The school board must be given a summary of the
17 notice, including the reason for the suspension and the
18 suspension length. Upon request of the parents or guardians,
19 the school board or a hearing officer appointed by it shall
20 review such action of the superintendent or principal,
21 assistant principal, or dean of students. At such review, the
22 parents or guardians of the student may appear and discuss the
23 suspension with the board or its hearing officer. If a hearing
24 officer is appointed by the board, he shall report to the board
25 a written summary of the evidence heard at the meeting. After
26 its hearing or upon receipt of the written report of its

1 hearing officer, the board may take such action as it finds
2 appropriate. If a student is suspended pursuant to this
3 subsection (b), the board shall, in the written suspension
4 decision, detail the specific act of gross disobedience or
5 misconduct resulting in the decision to suspend. The
6 suspension decision shall also include a rationale as to the
7 specific duration of the suspension.

8 (b-5) Among the many possible disciplinary interventions
9 and consequences available to school officials, school
10 exclusions, such as out-of-school suspensions and expulsions,
11 are the most serious. School officials shall limit the number
12 and duration of expulsions and suspensions to the greatest
13 extent practicable, and it is recommended that they use them
14 only for legitimate educational purposes. To ensure that
15 students are not excluded from school unnecessarily, it is
16 recommended that school officials consider forms of
17 non-exclusionary discipline prior to using out-of-school
18 suspensions or expulsions.

19 (b-10) Unless otherwise required by federal law or this
20 Code, school boards may not institute zero-tolerance policies
21 by which school administrators are required to suspend or
22 expel students for particular behaviors.

23 (b-15) Out-of-school suspensions of 3 days or less may be
24 used only if the student's continuing presence in school would
25 pose a threat to school safety or a disruption to other
26 students' learning opportunities. For purposes of this

1 subsection (b-15), "threat to school safety or a disruption to
2 other students' learning opportunities" shall be determined on
3 a case-by-case basis by the school board or its designee.
4 School officials shall make all reasonable efforts to resolve
5 such threats, address such disruptions, and minimize the
6 length of suspensions to the greatest extent practicable.

7 (b-20) Unless otherwise required by this Code,
8 out-of-school suspensions of longer than 3 days, expulsions,
9 and disciplinary removals to alternative schools may be used
10 only if other appropriate and available behavioral and
11 disciplinary interventions have been exhausted and the
12 student's continuing presence in school would either (i) pose
13 a threat to the safety of other students, staff, or members of
14 the school community or (ii) substantially disrupt, impede, or
15 interfere with the operation of the school. For purposes of
16 this subsection (b-20), "threat to the safety of other
17 students, staff, or members of the school community" and
18 "substantially disrupt, impede, or interfere with the
19 operation of the school" shall be determined on a case-by-case
20 basis by school officials. For purposes of this subsection
21 (b-20), the determination of whether "appropriate and
22 available behavioral and disciplinary interventions have been
23 exhausted" shall be made by school officials. School officials
24 shall make all reasonable efforts to resolve such threats,
25 address such disruptions, and minimize the length of student
26 exclusions to the greatest extent practicable. Within the

1 suspension decision described in subsection (b) of this
2 Section or the expulsion decision described in subsection (a)
3 of this Section, it shall be documented whether other
4 interventions were attempted or whether it was determined that
5 there were no other appropriate and available interventions.

6 (b-25) Students who are suspended out-of-school for longer
7 than 3 school days shall be provided appropriate and available
8 support services during the period of their suspension. For
9 purposes of this subsection (b-25), "appropriate and available
10 support services" shall be determined by school authorities.
11 Within the suspension decision described in subsection (b) of
12 this Section, it shall be documented whether such services are
13 to be provided or whether it was determined that there are no
14 such appropriate and available services.

15 A school district may refer students who are expelled to
16 appropriate and available support services.

17 A school district shall create a policy to facilitate the
18 re-engagement of students who are suspended out-of-school,
19 expelled, or returning from an alternative school setting. In
20 consultation with stakeholders deemed appropriate by the State
21 Board of Education, the State Board of Education shall draft
22 and publish guidance for the re-engagement of students who are
23 suspended out-of-school, expelled, or returning from an
24 alternative school setting in accordance with this Section and
25 Section 13A-4 on or before July 1, 2025.

26 (b-30) A school district shall create a policy by which

1 suspended students, including those students suspended from
2 the school bus who do not have alternate transportation to
3 school, shall have the opportunity to make up work for
4 equivalent academic credit. It shall be the responsibility of
5 a student's parents or guardians to notify school officials
6 that a student suspended from the school bus does not have
7 alternate transportation to school.

8 (b-35) In all suspension review hearings conducted under
9 subsection (b) or expulsion hearings conducted under
10 subsection (a), a student may disclose any factor to be
11 considered in mitigation, including his or her status as a
12 parent, expectant parent, or victim of domestic or sexual
13 violence, as defined in Article 26A. A representative of the
14 parent's or guardian's choice, or of the student's choice if
15 emancipated, must be permitted to represent the student
16 throughout the proceedings and to address the school board or
17 its appointed hearing officer. With the approval of the
18 student's parent or guardian, or of the student if
19 emancipated, a support person must be permitted to accompany
20 the student to any disciplinary hearings or proceedings. The
21 representative or support person must comply with any rules of
22 the school district's hearing process. If the representative
23 or support person violates the rules or engages in behavior or
24 advocacy that harasses, abuses, or intimidates either party, a
25 witness, or anyone else in attendance at the hearing, the
26 representative or support person may be prohibited from

1 further participation in the hearing or proceeding. A
2 suspension or expulsion proceeding under this subsection
3 (b-35) must be conducted independently from any ongoing
4 criminal investigation or proceeding, and an absence of
5 pending or possible criminal charges, criminal investigations,
6 or proceedings may not be a factor in school disciplinary
7 decisions.

8 (b-40) During a suspension review hearing conducted under
9 subsection (b) or an expulsion hearing conducted under
10 subsection (a) that involves allegations of sexual violence by
11 the student who is subject to discipline, neither the student
12 nor his or her representative shall directly question nor have
13 direct contact with the alleged victim. The student who is
14 subject to discipline or his or her representative may, at the
15 discretion and direction of the school board or its appointed
16 hearing officer, suggest questions to be posed by the school
17 board or its appointed hearing officer to the alleged victim.

18 (c) A school board must invite a representative from a
19 local mental health agency to consult with the board at the
20 meeting whenever there is evidence that mental illness may be
21 the cause of a student's expulsion or suspension.

22 (c-5) School districts shall make reasonable efforts to
23 provide ongoing professional development to all school
24 personnel, school board members, and school resource officers
25 on the requirements of this Section and Section 10-20.14, the
26 adverse consequences of school exclusion and justice-system

1 involvement, effective classroom management strategies,
2 culturally responsive discipline, trauma-responsive learning
3 environments, as defined in subsection (b) of Section 3-11,
4 the appropriate and available supportive services for the
5 promotion of student attendance and engagement, and
6 developmentally appropriate disciplinary methods that promote
7 positive and healthy school climates.

8 (d) The board may expel a student for a definite period of
9 time not to exceed 2 calendar years, as determined on a
10 case-by-case basis. A student who is determined to have
11 brought one of the following objects to school, any
12 school-sponsored activity or event, or any activity or event
13 that bears a reasonable relationship to school shall be
14 expelled for a period of not less than one year:

15 (1) A firearm. For the purposes of this Section,
16 "firearm" means any gun, rifle, shotgun, weapon as defined
17 by Section 921 of Title 18 of the United States Code,
18 firearm as defined in Section 1.1 of the Firearm Owners
19 Identification Card Act, or firearm as defined in Section
20 24-1 of the Criminal Code of 2012. The expulsion period
21 under this subdivision (1) may be modified by the
22 superintendent, and the superintendent's determination may
23 be modified by the board on a case-by-case basis.

24 (2) A knife, brass knuckles or other knuckle weapon
25 regardless of its composition, a billy club, or any other
26 object if used or attempted to be used to cause bodily

1 harm, including "look alikes" of any firearm as defined in
2 subdivision (1) of this subsection (d). The expulsion
3 requirement under this subdivision (2) may be modified by
4 the superintendent, and the superintendent's determination
5 may be modified by the board on a case-by-case basis.

6 Expulsion or suspension shall be construed in a manner
7 consistent with the federal Individuals with Disabilities
8 Education Act. A student who is subject to suspension or
9 expulsion as provided in this Section may be eligible for a
10 transfer to an alternative school program in accordance with
11 Article 13A of the School Code.

12 (d-5) The board may suspend or by regulation authorize the
13 superintendent of the district or the principal, assistant
14 principal, or dean of students of any school to suspend a
15 student for a period not to exceed 10 school days or may expel
16 a student for a definite period of time not to exceed 2
17 calendar years, as determined on a case-by-case basis, if (i)
18 that student has been determined to have made an explicit
19 threat on an Internet website against a school employee, a
20 student, or any school-related personnel, (ii) the Internet
21 website through which the threat was made is a site that was
22 accessible within the school at the time the threat was made or
23 was available to third parties who worked or studied within
24 the school grounds at the time the threat was made, and (iii)
25 the threat could be reasonably interpreted as threatening to
26 the safety and security of the threatened individual because

1 of the individual's duties or employment status or status as a
2 student inside the school.

3 (e) To maintain order and security in the schools, school
4 authorities may inspect and search places and areas such as
5 lockers, desks, parking lots, and other school property and
6 equipment owned or controlled by the school, as well as
7 personal effects left in those places and areas by students,
8 without notice to or the consent of the student, and without a
9 search warrant. As a matter of public policy, the General
10 Assembly finds that students have no reasonable expectation of
11 privacy in these places and areas or in their personal effects
12 left in these places and areas. School authorities may request
13 the assistance of law enforcement officials for the purpose of
14 conducting inspections and searches of lockers, desks, parking
15 lots, and other school property and equipment owned or
16 controlled by the school for illegal drugs, weapons, or other
17 illegal or dangerous substances or materials, including
18 searches conducted through the use of specially trained dogs.
19 If a search conducted in accordance with this Section produces
20 evidence that the student has violated or is violating either
21 the law, local ordinance, or the school's policies or rules,
22 such evidence may be seized by school authorities, and
23 disciplinary action may be taken. School authorities may also
24 turn over such evidence to law enforcement authorities.

25 (f) Suspension or expulsion may include suspension or
26 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

2 (g) A school district may adopt a policy providing that if
3 a student is suspended or expelled for any reason from any
4 public or private school in this or any other state, the
5 student must complete the entire term of the suspension or
6 expulsion in an alternative school program under Article 13A
7 of this Code or an alternative learning opportunities program
8 under Article 13B of this Code before being admitted into the
9 school district if there is no threat to the safety of students
10 or staff in the alternative program. A school district that
11 adopts a policy under this subsection (g) must include a
12 provision allowing for consideration of any mitigating
13 factors, including, but not limited to, a student's status as
14 a parent, expectant parent, or victim of domestic or sexual
15 violence, as defined in Article 26A.

16 (h) School officials shall not advise or encourage
17 students to drop out voluntarily due to behavioral or academic
18 difficulties.

19 (i) A student may not be issued a monetary fine or fee as a
20 disciplinary consequence, though this shall not preclude
21 requiring a student to provide restitution for lost, stolen,
22 or damaged property.

23 (j) Subsections (a) through (i) of this Section shall
24 apply to elementary and secondary schools, charter schools,
25 special charter districts, and school districts organized
26 under Article 34 of this Code.

1 (k) Through June 30, 2026, the expulsion of students
2 enrolled in programs funded under Section 1C-2 of this Code is
3 subject to the requirements under paragraph (7) of subsection
4 (a) of Section 2-3.71 of this Code.

5 (k-5) On and after July 1, 2026, the expulsion of children
6 enrolled in programs funded under Section 15-25 of the
7 Department of Early Childhood Act is subject to the
8 requirements of paragraph (7) of subsection (a) of Section
9 15-30 of the Department of Early Childhood Act.

10 (l) An in-school suspension program provided by a school
11 district for any students in kindergarten through grade 12 may
12 focus on promoting non-violent conflict resolution and
13 positive interaction with other students and school personnel.
14 A school district may employ a school social worker or a
15 licensed mental health professional to oversee an in-school
16 suspension program in kindergarten through grade 12.

17 (Source: P.A. 102-466, eff. 7-1-25; 102-539, eff. 8-20-21;
18 102-813, eff. 5-13-22; 103-594, eff. 6-25-24; 103-896, eff.
19 8-9-24; revised 9-25-24.)

20 (105 ILCS 5/10-22.22) (from Ch. 122, par. 10-22.22)

21 Sec. 10-22.22. Transportation for pupils; tuition;
22 vocational school ~~pupils-Tuition~~. To provide free
23 transportation for pupils, and where in its judgment the
24 interests of the district and of the pupils therein will be
25 best subserved by so doing the school board may permit the

1 pupils in the district or in any particular grade to attend the
2 schools of other districts and may permit any pupil to attend
3 an area secondary vocational school operated by a public
4 school district or a public or non-public vocational school
5 within the State of Illinois or adjacent states approved by
6 the Board of Vocational Education, and may provide free
7 transportation for such pupils and shall pay the tuition of
8 such pupils in the schools attended; such tuition shall be
9 based upon per capita cost computed in the following manner:
10 The cost of conducting and maintaining any area secondary
11 vocational school facility shall be first determined and shall
12 include the following expenses applicable only to such
13 educational facility under rules and regulations established
14 by the Board of Vocational Education and Rehabilitation as
15 follows:

16 a. Salaries of teachers, vocational counselors, and
17 supporting professional workers, necessary non-certified
18 workers, clerks, custodial employees, and any district
19 taxes specifically for their pension and retirement
20 benefits.

21 b. Equipment and supplies necessary for program
22 operation.

23 c. Administrative costs.

24 d. Operation of physical plant, including heat, light,
25 water, repairs, and maintenance.

26 e. Auxiliary service, not including any transportation

1 cost.

2 From such total cost thus determined there shall be
3 deducted the State reimbursement due on account of such
4 educational facility for the same year, not including any
5 State reimbursement for area secondary vocational school
6 transportation. Such net cost shall be divided by the average
7 number of pupils in average daily attendance in such area
8 secondary vocational school facility for the school year in
9 order to arrive at the net per capita tuition cost. Such costs
10 shall be computed on pupils regularly enrolled in an area
11 secondary vocational school on the basis of one-sixth day for
12 every class hour attended pursuant to such enrollment;
13 provided. ~~Provided~~, that the board, subject to the approval of
14 the county superintendent of schools, may determine what
15 schools outside of its ~~their~~ district such pupils shall
16 attend. This Section ~~section~~ does not require the board of
17 directors or board of education of any district to admit
18 pupils from another district.

19 (Source: P.A. 94-213, eff. 7-14-05; revised 7-17-24.)

20 (105 ILCS 5/10-22.24b)

21 Sec. 10-22.24b. School counseling services. School
22 counseling services in public schools may be provided by
23 school counselors as defined in Section 10-22.24a of this Code
24 or by individuals who hold a Professional Educator License
25 with a school support personnel endorsement in the area of

1 school counseling under Section 21B-25 of this Code.

2 School counseling services may include, but are not
3 limited to:

4 (1) designing and delivering a comprehensive school
5 counseling program through a standards-based,
6 data-informed program that promotes student achievement
7 and wellness;

8 (2) (blank);

9 (3) school counselors working as culturally skilled
10 professionals who act sensitively to promote social
11 justice and equity in a pluralistic society;

12 (4) providing individual and group counseling;

13 (5) providing a core counseling curriculum that serves
14 all students and addresses the knowledge and skills
15 appropriate to their developmental level through a
16 collaborative model of delivery involving the school
17 counselor, classroom teachers, and other appropriate
18 education professionals, and including prevention and
19 pre-referral activities;

20 (6) making referrals when necessary to appropriate
21 offices or outside agencies;

22 (7) providing college and career development
23 activities and counseling;

24 (8) developing individual career plans with students,
25 which includes planning for post-secondary education, as
26 appropriate, and engaging in related and relevant career

1 and technical education coursework in high school;

2 (9) assisting all students with a college or
3 post-secondary education plan, which must include a
4 discussion on all post-secondary education options,
5 including 4-year colleges or universities, community
6 colleges, and vocational schools, and includes planning
7 for post-secondary education, as appropriate, and engaging
8 in related and relevant career and technical education
9 coursework in high school;

10 (10) (blank);

11 (11) educating all students on scholarships, financial
12 aid, and preparation of the Federal Application for
13 Federal Student Aid;

14 (12) collaborating with institutions of higher
15 education and local community colleges so that students
16 understand post-secondary education options and are ready
17 to transition successfully;

18 (13) providing crisis intervention and contributing to
19 the development of a specific crisis plan within the
20 school setting in collaboration with multiple
21 stakeholders;

22 (14) providing educational opportunities for students,
23 teachers, and parents on mental health issues;

24 (15) providing counseling and other resources to
25 students who are in crisis;

26 (16) working to address barriers that prohibit or

1 limit access to mental health services;

2 (17) addressing bullying and conflict resolution with
3 all students;

4 (18) teaching communication skills and helping
5 students develop positive relationships;

6 (19) using culturally sensitive skills in working with
7 all students to promote wellness;

8 (20) working to address the needs of all students with
9 regard to citizenship status;

10 (21) (blank);†

11 (22) providing academic, social-emotional, and college
12 and career supports to all students irrespective of
13 special education or Section 504 status;

14 (23) assisting students in goal setting and success
15 skills for classroom behavior, study skills, test
16 preparation, internal motivation, and intrinsic rewards;

17 (24) (blank);†

18 (25) providing information for all students in the
19 selection of courses that will lead to post-secondary
20 education opportunities toward a successful career;

21 (26) interpreting achievement test results and guiding
22 students in appropriate directions;

23 (27) (blank);

24 (28) providing families with opportunities for
25 education and counseling as appropriate in relation to the
26 student's educational assessment;

1 (29) consulting and collaborating with teachers and
2 other school personnel regarding behavior management and
3 intervention plans and inclusion in support of students;

4 (30) teaming and partnering with staff, parents,
5 businesses, and community organizations to support student
6 achievement and social-emotional learning standards for
7 all students;

8 (31) developing and implementing school-based
9 prevention programs, including, but not limited to,
10 mediation and violence prevention, implementing social and
11 emotional education programs and services, and
12 establishing and implementing bullying prevention and
13 intervention programs;

14 (32) developing culturally sensitive assessment
15 instruments for measuring school counseling prevention and
16 intervention effectiveness and collecting, analyzing, and
17 interpreting data;

18 (33) participating on school and district committees
19 to advocate for student programs and resources, as well as
20 establishing a school counseling advisory council that
21 includes representatives of key stakeholders selected to
22 review and advise on the implementation of the school
23 counseling program;

24 (34) acting as a liaison between the public schools
25 and community resources and building relationships with
26 important stakeholders, such as families, administrators,

1 teachers, and board members;

2 (35) maintaining organized, clear, and useful records
3 in a confidential manner consistent with Section 5 of the
4 Illinois School Student Records Act, the Family
5 Educational Rights and Privacy Act, and the Health
6 Insurance Portability and Accountability Act;

7 (36) presenting an annual agreement to the
8 administration, including a formal discussion of the
9 alignment of school and school counseling program missions
10 and goals and detailing specific school counselor
11 responsibilities;

12 (37) identifying and implementing culturally sensitive
13 measures of success for student competencies in each of
14 the 3 domains of academic, social and emotional, and
15 college and career learning based on planned and periodic
16 assessment of the comprehensive developmental school
17 counseling program;

18 (38) collaborating as a team member in Multi-Tiered
19 Systems of Support and other school initiatives;

20 (39) conducting observations and participating in
21 recommendations or interventions regarding the placement
22 of children in educational programs or special education
23 classes;

24 (40) analyzing data and results of school counseling
25 program assessments, including curriculum, small-group,
26 and closing-the-gap results reports, and designing

1 strategies to continue to improve program effectiveness;

2 (41) analyzing data and results of school counselor
3 competency assessments;

4 (42) following American School Counselor Association
5 Ethical Standards for School Counselors to demonstrate
6 high standards of integrity, leadership, and
7 professionalism;

8 (43) using student competencies to assess student
9 growth and development to inform decisions regarding
10 strategies, activities, and services that help students
11 achieve the highest academic level possible;

12 (44) practicing as a culturally skilled school
13 counselor by infusing the multicultural competencies
14 within the role of the school counselor, including the
15 practice of culturally sensitive attitudes and beliefs,
16 knowledge, and skills;

17 (45) infusing the Social-Emotional Standards, as
18 presented in the State Board of Education standards,
19 across the curriculum and in the counselor's role in ways
20 that empower and enable students to achieve academic
21 success across all grade levels;

22 (46) providing services only in areas in which the
23 school counselor has appropriate training or expertise, as
24 well as only providing counseling or consulting services
25 within his or her employment to any student in the
26 district or districts which employ such school counselor,

1 in accordance with professional ethics;

2 (47) having adequate training in supervision knowledge
3 and skills in order to supervise school counseling interns
4 enrolled in graduate school counselor preparation programs
5 that meet the standards established by the State Board of
6 Education;

7 (48) being involved with State and national
8 professional associations;

9 (49) complete the required training as outlined in
10 Section 10-22.39;

11 (50) (blank);

12 (51) (blank);

13 (52) (blank);

14 (53) (blank);

15 (54) (blank); and

16 (55) promoting career and technical education by
17 assisting each student to determine an appropriate
18 postsecondary plan based upon the student's skills,
19 strengths, and goals and assisting the student to
20 implement the best practices that improve career or
21 workforce readiness after high school.

22 School districts may employ a sufficient number of school
23 counselors to maintain the national and State recommended
24 student-counselor ratio of 250 to 1. School districts may have
25 school counselors spend at least 80% of his or her work time in
26 direct contact with students.

1 Nothing in this Section prohibits other qualified
2 professionals, including other endorsed school support
3 personnel, from providing the services listed in this Section.
4 (Source: P.A. 102-876, eff. 1-1-23; 103-154, eff. 6-30-23;
5 103-542, eff. 7-1-24 (see Section 905 of P.A. 103-563 for
6 effective date of P.A. 103-542; 103-780, eff. 8-2-24; revised
7 10-21-24.)

8 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

9 Sec. 10-22.36. Buildings for school purposes.

10 (a) To build or purchase a building for school classroom
11 or instructional purposes upon the approval of a majority of
12 the voters upon the proposition at a referendum held for such
13 purpose or in accordance with Section 17-2.11, 19-3.5, or
14 19-3.10. The board may initiate such referendum by resolution.
15 The board shall certify the resolution and proposition to the
16 proper election authority for submission in accordance with
17 the general election law.

18 The questions of building one or more new buildings for
19 school purposes or office facilities, and issuing bonds for
20 the purpose of borrowing money to purchase one or more
21 buildings or sites for such buildings or office sites, to
22 build one or more new buildings for school purposes or office
23 facilities or to make additions and improvements to existing
24 school buildings, may be combined into one or more
25 propositions on the ballot.

1 Before erecting, or purchasing or remodeling such a
2 building the board shall submit the plans and specifications
3 respecting heating, ventilating, lighting, seating, water
4 supply, toilets and safety against fire to the regional
5 superintendent of schools having supervision and control over
6 the district, for approval in accordance with Section 2-3.12.

7 Notwithstanding any of the foregoing, no referendum shall
8 be required if the purchase, construction, or building of any
9 such building (1) occurs while the building is being leased by
10 the school district or (2) is paid with (A) funds derived from
11 the sale or disposition of other buildings, land, or
12 structures of the school district or (B) funds received (i) as
13 a grant under the School Construction Law or (ii) as gifts or
14 donations, provided that no funds to purchase, construct, or
15 build such building, other than lease payments, are derived
16 from the district's bonded indebtedness or the tax levy of the
17 district.

18 Notwithstanding any of the foregoing, no referendum shall
19 be required if the purchase, construction, or building of any
20 such building is paid with funds received from the County
21 School Facility and Resources Occupation Tax Law under Section
22 5-1006.7 of the Counties Code or from the proceeds of bonds or
23 other debt obligations secured by revenues obtained from that
24 Law.

25 Notwithstanding any of the foregoing, for Decatur School
26 District Number 61, no referendum shall be required if at

1 least 50% of the cost of the purchase, construction, or
2 building of any such building is paid, or will be paid, with
3 funds received or expected to be received as part of, or
4 otherwise derived from, any COVID-19 pandemic relief program
5 or funding source, including, but not limited to, Elementary
6 and Secondary School Emergency Relief Fund grant proceeds.

7 (b) Notwithstanding the provisions of subsection (a), for
8 any school district: (i) that is a tier 1 school, (ii) that has
9 a population of less than 50,000 inhabitants, (iii) whose
10 student population is between 5,800 and 6,300, (iv) in which
11 57% to 62% of students are low-income, and (v) whose average
12 district spending is between \$10,000 to \$12,000 per pupil,
13 until July 1, 2025, no referendum shall be required if at least
14 50% of the cost of the purchase, construction, or building of
15 any such building is paid, or will be paid, with funds received
16 or expected to be received as part of, or otherwise derived
17 from, the federal Consolidated Appropriations Act and the
18 federal American Rescue Plan Act of 2021.

19 For this subsection (b), the school board must hold at
20 least 2 public hearings, the sole purpose of which shall be to
21 discuss the decision to construct a school building and to
22 receive input from the community. The notice of each public
23 hearing that sets forth the time, date, place, and name or
24 description of the school building that the school board is
25 considering constructing must be provided at least 10 days
26 prior to the hearing by publication on the school board's

1 Internet website.

2 (c) Notwithstanding the provisions of subsections (a) and
3 (b), for Cahokia Community Unit School District 187, no
4 referendum shall be required for the lease of any building for
5 school or educational purposes if the cost is paid or will be
6 paid with funds available at the time of the lease in the
7 district's existing fund balances to fund the lease of a
8 building during the 2023-2024 or 2024-2025 school year.

9 For the purposes of this subsection (c), the school board
10 must hold at least 2 public hearings, the sole purpose of which
11 shall be to discuss the decision to lease a school building and
12 to receive input from the community. The notice of each public
13 hearing that sets forth the time, date, place, and name or
14 description of the school building that the school board is
15 considering leasing must be provided at least 10 days prior to
16 the hearing by publication on the school district's website.

17 (d) Notwithstanding the provisions of subsections (a) and
18 (b), for Bloomington School District 87, no referendum shall
19 be required for the purchase, construction, or building of any
20 building for school or education purposes if such cost is paid
21 or will be paid with funds available at the time of contract,
22 purchase, construction, or building in Bloomington School
23 District Number 87's existing fund balances to fund the
24 procurement or requisition of a building or site during the
25 2022-2023, 2023-2024, or 2024-2025 school year.

26 For this subsection (d), the school board must hold at

1 least 2 public hearings, the sole purpose of which shall be to
2 discuss the decision to construct a school building and to
3 receive input from the community. The notice of each public
4 hearing that sets forth the time, date, place, and name or
5 description of the school building that the school board is
6 considering constructing must be provided at least 10 days
7 prior to the hearing by publication on the school board's
8 website.

9 (e) Notwithstanding the provisions of subsection (a), for
10 any school district: (i) that is designated as a Tier 1 or Tier
11 2 school district under Section 18-8.15, (ii) with at least
12 one school that is located on federal property, (iii) whose
13 overall student population is no more than 4,500 students and
14 no less than 2,500 students, and (iv) that receives a federal
15 Public Schools on Military Installations grant until June 30,
16 2030, no referendum shall be required if at least 75% of the
17 cost of construction or building of any such building is paid
18 or will be paid with funds received or expected to be received
19 from the Public Schools on Military Installations grant.

20 For this subsection (e), the school board must hold at
21 least 2 public hearings, the sole purpose of which shall be to
22 discuss the decision to construct a school building and to
23 receive input from those community members in attendance. The
24 notice of each public hearing that sets forth the time, date,
25 place, and description of the school construction project must
26 be provided at least 10 days prior to the hearing by

1 publication on the school district's website.

2 (f) ~~(e)~~ Notwithstanding the provisions of subsection (a)
3 and (b), beginning September 1, 2024, no referendum shall be
4 required to build or purchase a building for school classroom
5 or instructional purposes if, prior to the building or
6 purchase of the building, the board determines, by resolution,
7 that the building or purchase will result in an increase in
8 pre-kindergarten or kindergarten classroom space in the
9 district.

10 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 7-1-22;
11 103-8, eff. 6-7-23; 103-509, eff. 8-4-23; 103-591, eff.
12 7-1-24; 103-605, eff. 7-1-24; 103-878, eff. 8-9-24; revised
13 9-25-24.)

14 (105 ILCS 5/14A-32)

15 Sec. 14A-32. Accelerated placement; school district
16 responsibilities.

17 (a) Each school district shall have a policy that allows
18 for accelerated placement that includes or incorporates by
19 reference the following components:

20 (1) a provision that provides that participation in
21 accelerated placement is not limited to those children who
22 have been identified as gifted and talented, but rather is
23 open to all children who demonstrate high ability and who
24 may benefit from accelerated placement;

25 (2) a fair and equitable decision-making process that

1 involves multiple persons and includes a student's parents
2 or guardians;

3 (3) procedures for notifying parents or guardians of a
4 child of a decision affecting that child's participation
5 in an accelerated placement program; and

6 (4) an assessment process that includes multiple
7 valid, reliable indicators.

8 (a-5) By no later than the beginning of the 2023-2024
9 school year, a school district's accelerated placement policy
10 shall allow for the automatic enrollment, in the following
11 school term, of a student into the next most rigorous level of
12 advanced coursework offered by the high school if the student
13 meets or exceeds State standards in English language arts,
14 mathematics, or science on a State assessment administered
15 under Section 2-3.64a-5 as follows:

16 (1) A student who exceeds State standards in English
17 language arts shall be automatically enrolled into the
18 next most rigorous level of advanced coursework in
19 English, social studies, humanities, or related subjects.

20 (2) A student who exceeds State standards in
21 mathematics shall be automatically enrolled into the next
22 most rigorous level of advanced coursework in mathematics.

23 (3) A student who exceeds State standards in science
24 shall be automatically enrolled into the next most
25 rigorous level of advanced coursework in science.

26 (a-10) By no later than the beginning of the 2027-2028

1 school year, a school district's accelerated placement policy
2 shall allow for automatic eligibility, in the following school
3 term, for a student to enroll in the next most rigorous level
4 of advanced coursework offered by the high school if the
5 student meets State standards in English language arts,
6 mathematics, or science on a State assessment administered
7 under Section 2-3.64a-5 as follows:

8 (1) A student who meets State standards in English
9 language arts shall be automatically eligible to enroll in
10 the next most rigorous level of advanced coursework in
11 English, social studies, humanities, or related subjects.

12 (2) A student who meets State standards in mathematics
13 shall be automatically eligible to enroll in the next most
14 rigorous level of advanced coursework in mathematics.

15 (3) A student who meets State standards in science
16 shall be automatically eligible to enroll in the next most
17 rigorous level of advanced coursework in science.

18 (a-15) For a student entering grade 12, the next most
19 rigorous level of advanced coursework in English language arts
20 or mathematics shall be a dual credit course, as defined in the
21 Dual Credit Quality Act, an Advanced Placement course, as
22 defined in Section 10 of the College and Career Success for All
23 Students Act, or an International Baccalaureate course;
24 otherwise, the next most rigorous level of advanced coursework
25 under this subsection (a-15) may include a dual credit course,
26 as defined in the Dual Credit Quality Act, an Advanced

1 Placement course, as defined in Section 10 of the College and
2 Career Success for All Students Act, an International
3 Baccalaureate course, an honors class, an enrichment
4 opportunity, a gifted program, or another program offered by
5 the district.

6 A school district may use the student's most recent State
7 assessment results to determine whether a student meets or
8 exceeds State standards. For a student entering grade 9,
9 results from the State assessment taken in grades 6 through 8
10 may be used. For other high school grades, the results from a
11 locally selected, nationally normed assessment may be used
12 instead of the State assessment if those results are the most
13 recent.

14 (a-20) A school district's accelerated placement policy
15 may allow for the waiver of a course or unit of instruction
16 completion requirement if (i) completion of the course or unit
17 of instruction is required by this Code or rules adopted by the
18 State Board of Education as a prerequisite to receiving a high
19 school diploma and (ii) the school district has determined
20 that the student has demonstrated mastery of or competency in
21 the content of the course or unit of instruction. The school
22 district shall maintain documentation of this determination of
23 mastery or competency for each student, that shall include
24 identification of the learning standards or competencies
25 reviewed, the methods of measurement used, student
26 performance, the date of the determination, and identification

1 of the district personnel involved in the determination
2 process.

3 (a-25) A school district's accelerated placement policy
4 must include a process through which the parent or guardian of
5 each student who meets State standards is provided
6 notification in writing of the student's eligibility for
7 enrollment in accelerated courses. This notification must
8 provide details on the procedures for the parent or guardian
9 to enroll or not enroll the student in accelerated courses, in
10 writing, on forms the school district makes available. If no
11 course selection is made by the parent or guardian in
12 accordance with procedures set forth by the school district,
13 the student shall be automatically enrolled in the next most
14 rigorous level of coursework. A school district must provide
15 the parent or guardian of a student eligible for enrollment
16 under subsection (a-5) or (a-10) with the option to instead
17 have the student enroll in alternative coursework that better
18 aligns with the student's postsecondary education or career
19 goals. If applicable, a school district must provide
20 notification to a student's parent or guardian that the
21 student will receive a waiver of a course or unit of
22 instruction completion requirement under subsection
23 ~~subsections~~ (a-5) or (a-10).

24 Nothing in subsection (a-5) or (a-10) may be interpreted
25 to preclude other students from enrolling in advanced
26 coursework per the policy of a school district.

1 (a-30) Nothing in this Section shall prohibit the
2 implementation of policies that allow for automatic enrollment
3 of students who meet standards on State assessments into the
4 next most rigorous level of advanced coursework offered by a
5 high school.

6 (b) Further, a school district's accelerated placement
7 policy may include or incorporate by reference, but need not
8 be limited to, the following components:

9 (1) procedures for annually informing the community
10 at-large, including parents or guardians, community-based
11 organizations, and providers of out-of-school programs,
12 about the accelerated placement program and the methods
13 used for the identification of children eligible for
14 accelerated placement, including strategies to reach
15 groups of students and families who have been historically
16 underrepresented in accelerated placement programs and
17 advanced coursework;

18 (2) a process for referral that allows for multiple
19 referrers, including a child's parents or guardians; other
20 referrers may include licensed education professionals,
21 the child, with the written consent of a parent or
22 guardian, a peer, through a licensed education
23 professional who has knowledge of the referred child's
24 abilities, or, in case of possible early entrance, a
25 preschool educator, pediatrician, or psychologist who
26 knows the child;

1 (3) a provision that provides that children
2 participating in an accelerated placement program and
3 their parents or guardians will be provided a written plan
4 detailing the type of acceleration the child will receive
5 and strategies to support the child;

6 (4) procedures to provide support and promote success
7 for students who are newly enrolled in an accelerated
8 placement program;

9 (5) a process for the school district to review and
10 utilize disaggregated data on participation in an
11 accelerated placement program to address gaps among
12 demographic groups in accelerated placement opportunities;
13 and

14 (6) procedures to promote equity, which may
15 incorporate one or more of the following evidence-based
16 practices:

17 (A) the use of multiple tools to assess
18 exceptional potential and provide several pathways
19 into advanced academic programs when assessing student
20 need for advanced academic or accelerated programming;

21 (B) providing enrichment opportunities starting in
22 the early grades to address achievement gaps that
23 occur at school entry and provide students with
24 opportunities to demonstrate their advanced potential;

25 (C) the use of universal screening combined with
26 local school-based norms for placement in accelerated

1 and advanced learning programs;

2 (D) developing a continuum of services to identify
3 and develop talent in all learners ranging from
4 enriched learning experiences, such as problem-based
5 learning, performance tasks, critical thinking, and
6 career exploration, to accelerated placement and
7 advanced academic programming; and

8 (E) providing professional learning in gifted
9 education for teachers and other appropriate school
10 personnel to appropriately identify and challenge
11 students from diverse cultures and backgrounds who may
12 benefit from accelerated placement or advanced
13 academic programming.

14 (c) The State Board of Education shall adopt rules to
15 determine data to be collected and disaggregated by
16 demographic group regarding accelerated placement, including
17 the rates of students who participate in and successfully
18 complete advanced coursework, and a method of making the
19 information available to the public.

20 (d) On or before November 1, 2022, following a review of
21 disaggregated data on the participation and successful
22 completion rates of students enrolled in an accelerated
23 placement program, each school district shall develop a plan
24 to expand access to its accelerated placement program and to
25 ensure the teaching capacity necessary to meet the increased
26 demand.

1 (Source: P.A. 102-209, eff. 11-30-21 (See Section 5 of P.A.
2 102-671 for effective date of P.A. 102-209); 103-263, eff.
3 6-30-23; 103-743, eff. 8-2-24; revised 10-21-24.)

4 (105 ILCS 5/18-8.15)

5 Sec. 18-8.15. Evidence-Based Funding for student success
6 for the 2017-2018 and subsequent school years.

7 (a) General provisions.

8 (1) The purpose of this Section is to ensure that, by
9 June 30, 2027 and beyond, this State has a kindergarten
10 through grade 12 public education system with the capacity
11 to ensure the educational development of all persons to
12 the limits of their capacities in accordance with Section
13 1 of Article X of the Constitution of the State of
14 Illinois. To accomplish that objective, this Section
15 creates a method of funding public education that is
16 evidence-based; is sufficient to ensure every student
17 receives a meaningful opportunity to learn irrespective of
18 race, ethnicity, sexual orientation, gender, or
19 community-income level; and is sustainable and
20 predictable. When fully funded under this Section, every
21 school shall have the resources, based on what the
22 evidence indicates is needed, to:

23 (A) provide all students with a high quality
24 education that offers the academic, enrichment, social
25 and emotional support, technical, and career-focused

1 programs that will allow them to become competitive
2 workers, responsible parents, productive citizens of
3 this State, and active members of our national
4 democracy;

5 (B) ensure all students receive the education they
6 need to graduate from high school with the skills
7 required to pursue post-secondary education and
8 training for a rewarding career;

9 (C) reduce, with a goal of eliminating, the
10 achievement gap between at-risk and non-at-risk
11 students by raising the performance of at-risk
12 students and not by reducing standards; and

13 (D) ensure this State satisfies its obligation to
14 assume the primary responsibility to fund public
15 education and simultaneously relieve the
16 disproportionate burden placed on local property taxes
17 to fund schools.

18 (2) The Evidence-Based Funding formula under this
19 Section shall be applied to all Organizational Units in
20 this State. The Evidence-Based Funding formula outlined in
21 this Act is based on the formula outlined in Senate Bill 1
22 of the 100th General Assembly, as passed by both
23 legislative chambers. As further defined and described in
24 this Section, there are 4 major components of the
25 Evidence-Based Funding model:

26 (A) First, the model calculates a unique Adequacy

1 Target for each Organizational Unit in this State that
2 considers the costs to implement research-based
3 activities, the unit's student demographics, and
4 regional wage differences.

5 (B) Second, the model calculates each
6 Organizational Unit's Local Capacity, or the amount
7 each Organizational Unit is assumed to contribute
8 toward its Adequacy Target from local resources.

9 (C) Third, the model calculates how much funding
10 the State currently contributes to the Organizational
11 Unit and adds that to the unit's Local Capacity to
12 determine the unit's overall current adequacy of
13 funding.

14 (D) Finally, the model's distribution method
15 allocates new State funding to those Organizational
16 Units that are least well-funded, considering both
17 Local Capacity and State funding, in relation to their
18 Adequacy Target.

19 (3) An Organizational Unit receiving any funding under
20 this Section may apply those funds to any fund so received
21 for which that Organizational Unit is authorized to make
22 expenditures by law.

23 (4) As used in this Section, the following terms shall
24 have the meanings ascribed in this paragraph (4):

25 "Adequacy Target" is defined in paragraph (1) of
26 subsection (b) of this Section.

1 "Adjusted EAV" is defined in paragraph (4) of
2 subsection (d) of this Section.

3 "Adjusted Local Capacity Target" is defined in
4 paragraph (3) of subsection (c) of this Section.

5 "Adjusted Operating Tax Rate" means a tax rate for all
6 Organizational Units, for which the State Superintendent
7 shall calculate and subtract for the Operating Tax Rate a
8 transportation rate based on total expenses for
9 transportation services under this Code, as reported on
10 the most recent Annual Financial Report in Pupil
11 Transportation Services, function 2550 in both the
12 Education and Transportation funds and functions 4110 and
13 4120 in the Transportation fund, less any corresponding
14 fiscal year State of Illinois scheduled payments excluding
15 net adjustments for prior years for regular, vocational,
16 or special education transportation reimbursement pursuant
17 to Section 29-5 or subsection (b) of Section 14-13.01 of
18 this Code divided by the Adjusted EAV. If an
19 Organizational Unit's corresponding fiscal year State of
20 Illinois scheduled payments excluding net adjustments for
21 prior years for regular, vocational, or special education
22 transportation reimbursement pursuant to Section 29-5 or
23 subsection (b) of Section 14-13.01 of this Code exceed the
24 total transportation expenses, as defined in this
25 paragraph, no transportation rate shall be subtracted from
26 the Operating Tax Rate.

1 "Allocation Rate" is defined in paragraph (3) of
2 subsection (g) of this Section.

3 "Alternative School" means a public school that is
4 created and operated by a regional superintendent of
5 schools and approved by the State Board.

6 "Applicable Tax Rate" is defined in paragraph (1) of
7 subsection (d) of this Section.

8 "Assessment" means any of those benchmark, progress
9 monitoring, formative, diagnostic, and other assessments,
10 in addition to the State accountability assessment, that
11 assist teachers' needs in understanding the skills and
12 meeting the needs of the students they serve.

13 "Assistant principal" means a school administrator
14 duly endorsed to be employed as an assistant principal in
15 this State.

16 "At-risk student" means a student who is at risk of
17 not meeting the Illinois Learning Standards or not
18 graduating from elementary or high school and who
19 demonstrates a need for vocational support or social
20 services beyond that provided by the regular school
21 program. All students included in an Organizational Unit's
22 Low-Income Count, as well as all English learner and
23 disabled students attending the Organizational Unit, shall
24 be considered at-risk students under this Section.

25 "Average Student Enrollment" or "ASE" for fiscal year
26 2018 means, for an Organizational Unit, the greater of the

1 average number of students (grades K through 12) reported
2 to the State Board as enrolled in the Organizational Unit
3 on October 1 in the immediately preceding school year,
4 plus the pre-kindergarten students who receive special
5 education services of 2 or more hours a day as reported to
6 the State Board on December 1 in the immediately preceding
7 school year, or the average number of students (grades K
8 through 12) reported to the State Board as enrolled in the
9 Organizational Unit on October 1, plus the
10 pre-kindergarten students who receive special education
11 services of 2 or more hours a day as reported to the State
12 Board on December 1, for each of the immediately preceding
13 3 school years. For fiscal year 2019 and each subsequent
14 fiscal year, "Average Student Enrollment" or "ASE" means,
15 for an Organizational Unit, the greater of the average
16 number of students (grades K through 12) reported to the
17 State Board as enrolled in the Organizational Unit on
18 October 1 and March 1 in the immediately preceding school
19 year, plus the pre-kindergarten students who receive
20 special education services as reported to the State Board
21 on October 1 and March 1 in the immediately preceding
22 school year, or the average number of students (grades K
23 through 12) reported to the State Board as enrolled in the
24 Organizational Unit on October 1 and March 1, plus the
25 pre-kindergarten students who receive special education
26 services as reported to the State Board on October 1 and

1 March 1, for each of the immediately preceding 3 school
2 years. For the purposes of this definition, "enrolled in
3 the Organizational Unit" means the number of students
4 reported to the State Board who are enrolled in schools
5 within the Organizational Unit that the student attends or
6 would attend if not placed or transferred to another
7 school or program to receive needed services. For the
8 purposes of calculating "ASE", all students, grades K
9 through 12, excluding those attending kindergarten for a
10 half day and students attending an alternative education
11 program operated by a regional office of education or
12 intermediate service center, shall be counted as 1.0. All
13 students attending kindergarten for a half day shall be
14 counted as 0.5, unless in 2017 by June 15 or by March 1 in
15 subsequent years, the school district reports to the State
16 Board of Education the intent to implement full-day
17 kindergarten district-wide for all students, then all
18 students attending kindergarten shall be counted as 1.0.
19 Special education pre-kindergarten students shall be
20 counted as 0.5 each. If the State Board does not collect or
21 has not collected both an October 1 and March 1 enrollment
22 count by grade or a December 1 collection of special
23 education pre-kindergarten students as of August 31, 2017
24 (the effective date of Public Act 100-465), it shall
25 establish such collection for all future years. For any
26 year in which a count by grade level was collected only

once, that count shall be used as the single count available for computing a 3-year average ASE. Funding for programs operated by a regional office of education or an intermediate service center must be calculated using the Evidence-Based Funding formula under this Section for the 2019-2020 school year and each subsequent school year until separate adequacy formulas are developed and adopted for each type of program. ASE for a program operated by a regional office of education or an intermediate service center must be determined by the March 1 enrollment for the program. For the 2019-2020 school year, the ASE used in the calculation must be the first-year ASE and, in that year only, the assignment of students served by a regional office of education or intermediate service center shall not result in a reduction of the March enrollment for any school district. For the 2020-2021 school year, the ASE must be the greater of the current-year ASE or the 2-year average ASE. Beginning with the 2021-2022 school year, the ASE must be the greater of the current-year ASE or the 3-year average ASE. School districts shall submit the data for the ASE calculation to the State Board within 45 days of the dates required in this Section for submission of enrollment data in order for it to be included in the ASE calculation. For fiscal year 2018 only, the ASE calculation shall include only enrollment taken on October 1. In recognition of the impact of COVID-19, the

1 definition of "Average Student Enrollment" or "ASE" shall
2 be adjusted for calculations under this Section for fiscal
3 years 2022 through 2024. For fiscal years 2022 through
4 2024, the enrollment used in the calculation of ASE
5 representing the 2020-2021 school year shall be the
6 greater of the enrollment for the 2020-2021 school year or
7 the 2019-2020 school year.

8 "Base Funding Guarantee" is defined in paragraph (10)
9 of subsection (g) of this Section.

10 "Base Funding Minimum" is defined in subsection (e) of
11 this Section.

12 "Base Tax Year" means the property tax levy year used
13 to calculate the Budget Year allocation of primary State
14 aid.

15 "Base Tax Year's Extension" means the product of the
16 equalized assessed valuation utilized by the county clerk
17 in the Base Tax Year multiplied by the limiting rate as
18 calculated by the county clerk and defined in PTELL.

19 "Bilingual Education Allocation" means the amount of
20 an Organizational Unit's final Adequacy Target
21 attributable to bilingual education divided by the
22 Organizational Unit's final Adequacy Target, the product
23 of which shall be multiplied by the amount of new funding
24 received pursuant to this Section. An Organizational
25 Unit's final Adequacy Target attributable to bilingual
26 education shall include all additional investments in

1 English learner students' adequacy elements.

2 "Budget Year" means the school year for which primary
3 State aid is calculated and awarded under this Section.

4 "Central office" means individual administrators and
5 support service personnel charged with managing the
6 instructional programs, business and operations, and
7 security of the Organizational Unit.

8 "Comparable Wage Index" or "CWI" means a regional cost
9 differentiation metric that measures systemic, regional
10 variations in the salaries of college graduates who are
11 not educators. The CWI utilized for this Section shall,
12 for the first 3 years of Evidence-Based Funding
13 implementation, be the CWI initially developed by the
14 National Center for Education Statistics, as most recently
15 updated by Texas A & M University. In the fourth and
16 subsequent years of Evidence-Based Funding implementation,
17 the State Superintendent shall re-determine the CWI using
18 a similar methodology to that identified in the Texas A & M
19 University study, with adjustments made no less frequently
20 than once every 5 years.

21 "Computer technology and equipment" means computers
22 servers, notebooks, network equipment, copiers, printers,
23 instructional software, security software, curriculum
24 management courseware, and other similar materials and
25 equipment.

26 "Computer technology and equipment investment

1 allocation" means the final Adequacy Target amount of an
2 Organizational Unit assigned to Tier 1 or Tier 2 in the
3 prior school year attributable to the additional \$285.50
4 per student computer technology and equipment investment
5 grant divided by the Organizational Unit's final Adequacy
6 Target, the result of which shall be multiplied by the
7 amount of new funding received pursuant to this Section.
8 An Organizational Unit assigned to a Tier 1 or Tier 2 final
9 Adequacy Target attributable to the received computer
10 technology and equipment investment grant shall include
11 all additional investments in computer technology and
12 equipment adequacy elements.

13 "Core subject" means mathematics; science; reading,
14 English, writing, and language arts; history and social
15 studies; world languages; and subjects taught as Advanced
16 Placement in high schools.

17 "Core teacher" means a regular classroom teacher in
18 elementary schools and teachers of a core subject in
19 middle and high schools.

20 "Core Intervention teacher (tutor)" means a licensed
21 teacher providing one-on-one or small group tutoring to
22 students struggling to meet proficiency in core subjects.

23 "CPPRT" means corporate personal property replacement
24 tax funds paid to an Organizational Unit during the
25 calendar year one year before the calendar year in which a
26 school year begins, pursuant to "An Act in relation to the

1 abolition of ad valorem personal property tax and the
2 replacement of revenues lost thereby, and amending and
3 repealing certain Acts and parts of Acts in connection
4 therewith", certified August 14, 1979, as amended (Public
5 Act 81-1st S.S.-1).

6 "EAV" means equalized assessed valuation as defined in
7 paragraph (2) of subsection (d) of this Section and
8 calculated in accordance with paragraph (3) of subsection
9 (d) of this Section.

10 "ECI" means the Bureau of Labor Statistics' national
11 employment cost index for civilian workers in educational
12 services in elementary and secondary schools on a
13 cumulative basis for the 12-month calendar year preceding
14 the fiscal year of the Evidence-Based Funding calculation.

15 "EIS Data" means the employment information system
16 data maintained by the State Board on educators within
17 Organizational Units.

18 "Employee benefits" means health, dental, and vision
19 insurance offered to employees of an Organizational Unit,
20 the costs associated with the statutorily required payment
21 of the normal cost of the Organizational Unit's teacher
22 pensions, Social Security employer contributions, and
23 Illinois Municipal Retirement Fund employer contributions.

24 "English learner" or "EL" means a child included in
25 the definition of "English learners" under Section 14C-2
26 of this Code participating in a program of transitional

1 bilingual education or a transitional program of
2 instruction meeting the requirements and program
3 application procedures of Article 14C of this Code. For
4 the purposes of collecting the number of EL students
5 enrolled, the same collection and calculation methodology
6 as defined above for "ASE" shall apply to English
7 learners, with the exception that EL student enrollment
8 shall include students in grades pre-kindergarten through
9 12.

10 "Essential Elements" means those elements, resources,
11 and educational programs that have been identified through
12 academic research as necessary to improve student success,
13 improve academic performance, close achievement gaps, and
14 provide for other per student costs related to the
15 delivery and leadership of the Organizational Unit, as
16 well as the maintenance and operations of the unit, and
17 which are specified in paragraph (2) of subsection (b) of
18 this Section.

19 "Evidence-Based Funding" means State funding provided
20 to an Organizational Unit pursuant to this Section.

21 "Extended day" means academic and enrichment programs
22 provided to students outside the regular school day before
23 and after school or during non-instructional times during
24 the school day.

25 "Extension Limitation Ratio" means a numerical ratio
26 in which the numerator is the Base Tax Year's Extension

1 and the denominator is the Preceding Tax Year's Extension.

2 "Final Percent of Adequacy" is defined in paragraph
3 (4) of subsection (f) of this Section.

4 "Final Resources" is defined in paragraph (3) of
5 subsection (f) of this Section.

6 "Full-time equivalent" or "FTE" means the full-time
7 equivalency compensation for staffing the relevant
8 position at an Organizational Unit.

9 "Funding Gap" is defined in paragraph (1) of
10 subsection (g).

11 "Hybrid District" means a partial elementary unit
12 district created pursuant to Article 11E of this Code.

13 "Instructional assistant" means a core or special
14 education, non-licensed employee who assists a teacher in
15 the classroom and provides academic support to students.

16 "Instructional facilitator" means a qualified teacher
17 or licensed teacher leader who facilitates and coaches
18 continuous improvement in classroom instruction; provides
19 instructional support to teachers in the elements of
20 research-based instruction or demonstrates the alignment
21 of instruction with curriculum standards and assessment
22 tools; develops or coordinates instructional programs or
23 strategies; develops and implements training; chooses
24 standards-based instructional materials; provides
25 teachers with an understanding of current research; serves
26 as a mentor, site coach, curriculum specialist, or lead

1 teacher; or otherwise works with fellow teachers, in
2 collaboration, to use data to improve instructional
3 practice or develop model lessons.

4 "Instructional materials" means relevant
5 instructional materials for student instruction,
6 including, but not limited to, textbooks, consumable
7 workbooks, laboratory equipment, library books, and other
8 similar materials.

9 "Laboratory School" means a public school that is
10 created and operated by a public university and approved
11 by the State Board.

12 "Librarian" means a teacher with an endorsement as a
13 library information specialist or another individual whose
14 primary responsibility is overseeing library resources
15 within an Organizational Unit.

16 "Limiting rate for Hybrid Districts" means the
17 combined elementary school and high school limiting rates.

18 "Local Capacity" is defined in paragraph (1) of
19 subsection (c) of this Section.

20 "Local Capacity Percentage" is defined in subparagraph
21 (A) of paragraph (2) of subsection (c) of this Section.

22 "Local Capacity Ratio" is defined in subparagraph (B)
23 of paragraph (2) of subsection (c) of this Section.

24 "Local Capacity Target" is defined in paragraph (2) of
25 subsection (c) of this Section.

26 "Low-Income Count" means, for an Organizational Unit

1 in a fiscal year, the higher of the average number of
2 students for the prior school year or the immediately
3 preceding 3 school years who, as of July 1 of the
4 immediately preceding fiscal year (as determined by the
5 Department of Human Services), are eligible for at least
6 one of the following low-income programs: Medicaid, the
7 Children's Health Insurance Program, Temporary Assistance
8 for Needy Families (TANF), or the Supplemental Nutrition
9 Assistance Program, excluding pupils who are eligible for
10 services provided by the Department of Children and Family
11 Services. Until such time that grade level low-income
12 populations become available, grade level low-income
13 populations shall be determined by applying the low-income
14 percentage to total student enrollments by grade level.
15 The low-income percentage is determined by dividing the
16 Low-Income Count by the Average Student Enrollment. The
17 low-income percentage for a regional office of education
18 or an intermediate service center operating one or more
19 alternative education programs must be set to the weighted
20 average of the low-income percentages of all of the school
21 districts in the service region. The weighted low-income
22 percentage is the result of multiplying the low-income
23 percentage of each school district served by the regional
24 office of education or intermediate service center by each
25 school district's Average Student Enrollment, summarizing
26 those products and dividing the total by the total Average

1 Student Enrollment for the service region.

2 "Maintenance and operations" means custodial services,
3 facility and ground maintenance, facility operations,
4 facility security, routine facility repairs, and other
5 similar services and functions.

6 "Minimum Funding Level" is defined in paragraph (9) of
7 subsection (g) of this Section.

8 "New Property Tax Relief Pool Funds" means, for any
9 given fiscal year, all State funds appropriated under
10 Section 2-3.170 of this Code.

11 "New State Funds" means, for a given school year, all
12 State funds appropriated for Evidence-Based Funding in
13 excess of the amount needed to fund the Base Funding
14 Minimum for all Organizational Units in that school year.

15 "Nurse" means an individual licensed as a certified
16 school nurse, in accordance with the rules established for
17 nursing services by the State Board, who is an employee of
18 and is available to provide health care-related services
19 for students of an Organizational Unit.

20 "Operating Tax Rate" means the rate utilized in the
21 previous year to extend property taxes for all purposes,
22 except Bond and Interest, Summer School, Rent, Capital
23 Improvement, and Vocational Education Building purposes.
24 For Hybrid Districts, the Operating Tax Rate shall be the
25 combined elementary and high school rates utilized in the
26 previous year to extend property taxes for all purposes,

1 except Bond and Interest, Summer School, Rent, Capital
2 Improvement, and Vocational Education Building purposes.

3 "Organizational Unit" means a Laboratory School or any
4 public school district that is recognized as such by the
5 State Board and that contains elementary schools typically
6 serving kindergarten through 5th grades, middle schools
7 typically serving 6th through 8th grades, high schools
8 typically serving 9th through 12th grades, a program
9 established under Section 2-3.66 or 2-3.41, or a program
10 operated by a regional office of education or an
11 intermediate service center under Article 13A or 13B. The
12 General Assembly acknowledges that the actual grade levels
13 served by a particular Organizational Unit may vary
14 slightly from what is typical.

15 "Organizational Unit CWI" is determined by calculating
16 the CWI in the region and original county in which an
17 Organizational Unit's primary administrative office is
18 located as set forth in this paragraph, provided that if
19 the Organizational Unit CWI as calculated in accordance
20 with this paragraph is less than 0.9, the Organizational
21 Unit CWI shall be increased to 0.9. Each county's current
22 CWI value shall be adjusted based on the CWI value of that
23 county's neighboring Illinois counties, to create a
24 "weighted adjusted index value". This shall be calculated
25 by summing the CWI values of all of a county's adjacent
26 Illinois counties and dividing by the number of adjacent

1 Illinois counties, then taking the weighted value of the
2 original county's CWI value and the adjacent Illinois
3 county average. To calculate this weighted value, if the
4 number of adjacent Illinois counties is greater than 2,
5 the original county's CWI value will be weighted at 0.25
6 and the adjacent Illinois county average will be weighted
7 at 0.75. If the number of adjacent Illinois counties is 2,
8 the original county's CWI value will be weighted at 0.33
9 and the adjacent Illinois county average will be weighted
10 at 0.66. The greater of the county's current CWI value and
11 its weighted adjusted index value shall be used as the
12 Organizational Unit CWI.

13 "Preceding Tax Year" means the property tax levy year
14 immediately preceding the Base Tax Year.

15 "Preceding Tax Year's Extension" means the product of
16 the equalized assessed valuation utilized by the county
17 clerk in the Preceding Tax Year multiplied by the
18 Operating Tax Rate.

19 "Preliminary Percent of Adequacy" is defined in
20 paragraph (2) of subsection (f) of this Section.

21 "Preliminary Resources" is defined in paragraph (2) of
22 subsection (f) of this Section.

23 "Principal" means a school administrator duly endorsed
24 to be employed as a principal in this State.

25 "Professional development" means training programs for
26 licensed staff in schools, including, but not limited to,

1 programs that assist in implementing new curriculum
2 programs, provide data focused or academic assessment data
3 training to help staff identify a student's weaknesses and
4 strengths, target interventions, improve instruction,
5 encompass instructional strategies for English learner,
6 gifted, or at-risk students, address inclusivity, cultural
7 sensitivity, or implicit bias, or otherwise provide
8 professional support for licensed staff.

9 "Prototypical" means 450 special education
10 pre-kindergarten and kindergarten through grade 5 students
11 for an elementary school, 450 grade 6 through 8 students
12 for a middle school, and 600 grade 9 through 12 students
13 for a high school.

14 "PTELL" means the Property Tax Extension Limitation
15 Law.

16 "PTELL EAV" is defined in paragraph (4) of subsection
17 (d) of this Section.

18 "Pupil support staff" means a nurse, psychologist,
19 social worker, family liaison personnel, or other staff
20 member who provides support to at-risk or struggling
21 students.

22 "Real Receipts" is defined in paragraph (1) of
23 subsection (d) of this Section.

24 "Regionalization Factor" means, for a particular
25 Organizational Unit, the figure derived by dividing the
26 Organizational Unit CWI by the Statewide Weighted CWI.

1 "School counselor" means a licensed school counselor
2 who provides guidance and counseling support for students
3 within an Organizational Unit.

4 "School site staff" means the primary school secretary
5 and any additional clerical personnel assigned to a
6 school.

7 "Special education" means special educational
8 facilities and services, as defined in Section 14-1.08 of
9 this Code.

10 "Special Education Allocation" means the amount of an
11 Organizational Unit's final Adequacy Target attributable
12 to special education divided by the Organizational Unit's
13 final Adequacy Target, the product of which shall be
14 multiplied by the amount of new funding received pursuant
15 to this Section. An Organizational Unit's final Adequacy
16 Target attributable to special education shall include all
17 special education investment adequacy elements.

18 "Specialist teacher" means a teacher who provides
19 instruction in subject areas not included in core
20 subjects, including, but not limited to, art, music,
21 physical education, health, driver education,
22 career-technical education, and such other subject areas
23 as may be mandated by State law or provided by an
24 Organizational Unit.

25 "Specially Funded Unit" means an Alternative School,
26 safe school, Department of Juvenile Justice school,

1 special education cooperative or entity recognized by the
2 State Board as a special education cooperative,
3 State-approved charter school, or alternative learning
4 opportunities program that received direct funding from
5 the State Board during the 2016-2017 school year through
6 any of the funding sources included within the calculation
7 of the Base Funding Minimum or Glenwood Academy.

8 "Supplemental Grant Funding" means supplemental
9 general State aid funding received by an Organizational
10 Unit during the 2016-2017 school year pursuant to
11 subsection (H) of Section 18-8.05 of this Code (now
12 repealed).

13 "State Adequacy Level" is the sum of the Adequacy
14 Targets of all Organizational Units.

15 "State Board" means the State Board of Education.

16 "State Superintendent" means the State Superintendent
17 of Education.

18 "Statewide Weighted CWI" means a figure determined by
19 multiplying each Organizational Unit CWI times the ASE for
20 that Organizational Unit creating a weighted value,
21 summing all Organizational Units' weighted values, and
22 dividing by the total ASE of all Organizational Units,
23 thereby creating an average weighted index.

24 "Student activities" means non-credit producing
25 after-school programs, including, but not limited to,
26 clubs, bands, sports, and other activities authorized by

1 the school board of the Organizational Unit.

2 "Substitute teacher" means an individual teacher or
3 teaching assistant who is employed by an Organizational
4 Unit and is temporarily serving the Organizational Unit on
5 a per diem or per period-assignment basis to replace
6 another staff member.

7 "Summer school" means academic and enrichment programs
8 provided to students during the summer months outside of
9 the regular school year.

10 "Supervisory aide" means a non-licensed staff member
11 who helps in supervising students of an Organizational
12 Unit, but does so outside of the classroom, in situations
13 such as, but not limited to, monitoring hallways and
14 playgrounds, supervising lunchrooms, or supervising
15 students when being transported in buses serving the
16 Organizational Unit.

17 "Target Ratio" is defined in paragraph (4) of
18 subsection (g).

19 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
20 in paragraph (3) of subsection (g).

21 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
22 Funding", "Tier 3 Aggregate Funding", and "Tier 4
23 Aggregate Funding" are defined in paragraph (1) of
24 subsection (g).

25 (b) Adequacy Target calculation.

26 (1) Each Organizational Unit's Adequacy Target is the

1 sum of the Organizational Unit's cost of providing
2 Essential Elements, as calculated in accordance with this
3 subsection (b), with the salary amounts in the Essential
4 Elements multiplied by a Regionalization Factor calculated
5 pursuant to paragraph (3) of this subsection (b).

6 (2) The Essential Elements are attributable on a pro
7 rata basis related to defined subgroups of the ASE of each
8 Organizational Unit as specified in this paragraph (2),
9 with investments and FTE positions pro rata funded based
10 on ASE counts in excess of or less than the thresholds set
11 forth in this paragraph (2). The method for calculating
12 attributable pro rata costs and the defined subgroups
13 thereto are as follows:

14 (A) Core class size investments. Each
15 Organizational Unit shall receive the funding required
16 to support that number of FTE core teacher positions
17 as is needed to keep the respective class sizes of the
18 Organizational Unit to the following maximum numbers:

19 (i) For grades kindergarten through 3, the
20 Organizational Unit shall receive funding required
21 to support one FTE core teacher position for every
22 15 Low-Income Count students in those grades and
23 one FTE core teacher position for every 20
24 non-Low-Income Count students in those grades.

25 (ii) For grades 4 through 12, the
26 Organizational Unit shall receive funding required

1 to support one FTE core teacher position for every
2 20 Low-Income Count students in those grades and
3 one FTE core teacher position for every 25
4 non-Low-Income Count students in those grades.

5 The number of non-Low-Income Count students in a
6 grade shall be determined by subtracting the
7 Low-Income students in that grade from the ASE of the
8 Organizational Unit for that grade.

9 (B) Specialist teacher investments. Each
10 Organizational Unit shall receive the funding needed
11 to cover that number of FTE specialist teacher
12 positions that correspond to the following
13 percentages:

14 (i) if the Organizational Unit operates an
15 elementary or middle school, then 20.00% of the
16 number of the Organizational Unit's core teachers,
17 as determined under subparagraph (A) of this
18 paragraph (2); and

19 (ii) if such Organizational Unit operates a
20 high school, then 33.33% of the number of the
21 Organizational Unit's core teachers.

22 (C) Instructional facilitator investments. Each
23 Organizational Unit shall receive the funding needed
24 to cover one FTE instructional facilitator position
25 for every 200 combined ASE of pre-kindergarten
26 children with disabilities and all kindergarten

1 through grade 12 students of the Organizational Unit.

2 (D) Core intervention teacher (tutor) investments.
3 Each Organizational Unit shall receive the funding
4 needed to cover one FTE teacher position for each
5 prototypical elementary, middle, and high school.

6 (E) Substitute teacher investments. Each
7 Organizational Unit shall receive the funding needed
8 to cover substitute teacher costs that is equal to
9 5.70% of the minimum pupil attendance days required
10 under Section 10-19 of this Code for all full-time
11 equivalent core, specialist, and intervention
12 teachers, school nurses, special education teachers
13 and instructional assistants, instructional
14 facilitators, and summer school and extended day
15 teacher positions, as determined under this paragraph
16 (2), at a salary rate of 33.33% of the average salary
17 for grade K through 12 teachers and 33.33% of the
18 average salary of each instructional assistant
19 position.

20 (F) Core school counselor investments. Each
21 Organizational Unit shall receive the funding needed
22 to cover one FTE school counselor for each 450
23 combined ASE of pre-kindergarten children with
24 disabilities and all kindergarten through grade 5
25 students, plus one FTE school counselor for each 250
26 grades 6 through 8 ASE middle school students, plus

1 one FTE school counselor for each 250 grades 9 through
2 12 ASE high school students.

3 (G) Nurse investments. Each Organizational Unit
4 shall receive the funding needed to cover one FTE
5 nurse for each 750 combined ASE of pre-kindergarten
6 children with disabilities and all kindergarten
7 through grade 12 students across all grade levels it
8 serves.

9 (H) Supervisory aide investments. Each
10 Organizational Unit shall receive the funding needed
11 to cover one FTE for each 225 combined ASE of
12 pre-kindergarten children with disabilities and all
13 kindergarten through grade 5 students, plus one FTE
14 for each 225 ASE middle school students, plus one FTE
15 for each 200 ASE high school students.

16 (I) Librarian investments. Each Organizational
17 Unit shall receive the funding needed to cover one FTE
18 librarian for each prototypical elementary school,
19 middle school, and high school and one FTE aide or
20 media technician for every 300 combined ASE of
21 pre-kindergarten children with disabilities and all
22 kindergarten through grade 12 students.

23 (J) Principal investments. Each Organizational
24 Unit shall receive the funding needed to cover one FTE
25 principal position for each prototypical elementary
26 school, plus one FTE principal position for each

1 prototypical middle school, plus one FTE principal
2 position for each prototypical high school.

3 (K) Assistant principal investments. Each
4 Organizational Unit shall receive the funding needed
5 to cover one FTE assistant principal position for each
6 prototypical elementary school, plus one FTE assistant
7 principal position for each prototypical middle
8 school, plus one FTE assistant principal position for
9 each prototypical high school.

10 (L) School site staff investments. Each
11 Organizational Unit shall receive the funding needed
12 for one FTE position for each 225 ASE of
13 pre-kindergarten children with disabilities and all
14 kindergarten through grade 5 students, plus one FTE
15 position for each 225 ASE middle school students, plus
16 one FTE position for each 200 ASE high school
17 students.

18 (M) Gifted investments. Each Organizational Unit
19 shall receive \$40 per kindergarten through grade 12
20 ASE.

21 (N) Professional development investments. Each
22 Organizational Unit shall receive \$125 per student of
23 the combined ASE of pre-kindergarten children with
24 disabilities and all kindergarten through grade 12
25 students for trainers and other professional
26 development-related expenses for supplies and

1 materials.

2 (O) Instructional material investments. Each
3 Organizational Unit shall receive \$190 per student of
4 the combined ASE of pre-kindergarten children with
5 disabilities and all kindergarten through grade 12
6 students to cover instructional material costs.

7 (P) Assessment investments. Each Organizational
8 Unit shall receive \$25 per student of the combined ASE
9 of pre-kindergarten children with disabilities and all
10 kindergarten through grade 12 students to cover
11 assessment costs.

12 (Q) Computer technology and equipment investments.
13 Each Organizational Unit shall receive \$285.50 per
14 student of the combined ASE of pre-kindergarten
15 children with disabilities and all kindergarten
16 through grade 12 students to cover computer technology
17 and equipment costs. For the 2018-2019 school year and
18 subsequent school years, Organizational Units assigned
19 to Tier 1 and Tier 2 in the prior school year shall
20 receive an additional \$285.50 per student of the
21 combined ASE of pre-kindergarten children with
22 disabilities and all kindergarten through grade 12
23 students to cover computer technology and equipment
24 costs in the Organizational Unit's Adequacy Target.
25 The State Board may establish additional requirements
26 for Organizational Unit expenditures of funds received

1 pursuant to this subparagraph (Q), including a
2 requirement that funds received pursuant to this
3 subparagraph (Q) may be used only for serving the
4 technology needs of the district. It is the intent of
5 Public Act 100-465 that all Tier 1 and Tier 2 districts
6 receive the addition to their Adequacy Target in the
7 following year, subject to compliance with the
8 requirements of the State Board.

9 (R) Student activities investments. Each
10 Organizational Unit shall receive the following
11 funding amounts to cover student activities: \$100 per
12 kindergarten through grade 5 ASE student in elementary
13 school, plus \$200 per ASE student in middle school,
14 plus \$675 per ASE student in high school.

15 (S) Maintenance and operations investments. Each
16 Organizational Unit shall receive \$1,038 per student
17 of the combined ASE of pre-kindergarten children with
18 disabilities and all kindergarten through grade 12
19 students for day-to-day maintenance and operations
20 expenditures, including salary, supplies, and
21 materials, as well as purchased services, but
22 excluding employee benefits. The proportion of salary
23 for the application of a Regionalization Factor and
24 the calculation of benefits is equal to \$352.92.

25 (T) Central office investments. Each
26 Organizational Unit shall receive \$742 per student of

1 the combined ASE of pre-kindergarten children with
2 disabilities and all kindergarten through grade 12
3 students to cover central office operations, including
4 administrators and classified personnel charged with
5 managing the instructional programs, business and
6 operations of the school district, and security
7 personnel. The proportion of salary for the
8 application of a Regionalization Factor and the
9 calculation of benefits is equal to \$368.48.

10 (U) Employee benefit investments. Each
11 Organizational Unit shall receive 30% of the total of
12 all salary-calculated elements of the Adequacy Target,
13 excluding substitute teachers and student activities
14 investments, to cover benefit costs. For central
15 office and maintenance and operations investments, the
16 benefit calculation shall be based upon the salary
17 proportion of each investment. If at any time the
18 responsibility for funding the employer normal cost of
19 teacher pensions is assigned to school districts, then
20 that amount certified by the Teachers' Retirement
21 System of the State of Illinois to be paid by the
22 Organizational Unit for the preceding school year
23 shall be added to the benefit investment. For any
24 fiscal year in which a school district organized under
25 Article 34 of this Code is responsible for paying the
26 employer normal cost of teacher pensions, then that

1 amount of its employer normal cost plus the amount for
2 retiree health insurance as certified by the Public
3 School Teachers' Pension and Retirement Fund of
4 Chicago to be paid by the school district for the
5 preceding school year that is statutorily required to
6 cover employer normal costs and the amount for retiree
7 health insurance shall be added to the 30% specified
8 in this subparagraph (U). The Teachers' Retirement
9 System of the State of Illinois and the Public School
10 Teachers' Pension and Retirement Fund of Chicago shall
11 submit such information as the State Superintendent
12 may require for the calculations set forth in this
13 subparagraph (U).

14 (V) Additional investments in low-income students.
15 In addition to and not in lieu of all other funding
16 under this paragraph (2), each Organizational Unit
17 shall receive funding based on the average teacher
18 salary for grades K through 12 to cover the costs of:

19 (i) one FTE intervention teacher (tutor)
20 position for every 125 Low-Income Count students;

21 (ii) one FTE pupil support staff position for
22 every 125 Low-Income Count students;

23 (iii) one FTE extended day teacher position
24 for every 120 Low-Income Count students; and

25 (iv) one FTE summer school teacher position
26 for every 120 Low-Income Count students.

1 (W) Additional investments in English learner
2 students. In addition to and not in lieu of all other
3 funding under this paragraph (2), each Organizational
4 Unit shall receive funding based on the average
5 teacher salary for grades K through 12 to cover the
6 costs of:

7 (i) one FTE intervention teacher (tutor)
8 position for every 125 English learner students;

9 (ii) one FTE pupil support staff position for
10 every 125 English learner students;

11 (iii) one FTE extended day teacher position
12 for every 120 English learner students;

13 (iv) one FTE summer school teacher position
14 for every 120 English learner students; and

15 (v) one FTE core teacher position for every
16 100 English learner students.

17 (X) Special education investments. Each
18 Organizational Unit shall receive funding based on the
19 average teacher salary for grades K through 12 to
20 cover special education as follows:

21 (i) one FTE teacher position for every 141
22 combined ASE of pre-kindergarten children with
23 disabilities and all kindergarten through grade 12
24 students;

25 (ii) one FTE instructional assistant for every
26 141 combined ASE of pre-kindergarten children with

1 disabilities and all kindergarten through grade 12
2 students; and

3 (iii) one FTE psychologist position for every
4 1,000 combined ASE of pre-kindergarten children
5 with disabilities and all kindergarten through
6 grade 12 students.

7 (3) For calculating the salaries included within the
8 Essential Elements, the State Superintendent shall
9 annually calculate average salaries to the nearest dollar
10 using the employment information system data maintained by
11 the State Board, limited to public schools only and
12 excluding special education and vocational cooperatives,
13 schools operated by the Department of Juvenile Justice,
14 and charter schools, for the following positions:

15 (A) Teacher for grades K through 8.

16 (B) Teacher for grades 9 through 12.

17 (C) Teacher for grades K through 12.

18 (D) School counselor for grades K through 8.

19 (E) School counselor for grades 9 through 12.

20 (F) School counselor for grades K through 12.

21 (G) Social worker.

22 (H) Psychologist.

23 (I) Librarian.

24 (J) Nurse.

25 (K) Principal.

26 (L) Assistant principal.

1 For the purposes of this paragraph (3), "teacher"
2 includes core teachers, specialist and elective teachers,
3 instructional facilitators, tutors, special education
4 teachers, pupil support staff teachers, English learner
5 teachers, extended day teachers, and summer school
6 teachers. Where specific grade data is not required for
7 the Essential Elements, the average salary for
8 corresponding positions shall apply. For substitute
9 teachers, the average teacher salary for grades K through
10 12 shall apply.

11 For calculating the salaries included within the
12 Essential Elements for positions not included within EIS
13 Data, the following salaries shall be used in the first
14 year of implementation of Evidence-Based Funding:

15 (i) school site staff, \$30,000; and

16 (ii) non-instructional assistant, instructional
17 assistant, library aide, library media tech, or
18 supervisory aide: \$25,000.

19 In the second and subsequent years of implementation
20 of Evidence-Based Funding, the amounts in items (i) and
21 (ii) of this paragraph (3) shall annually increase by the
22 ECI.

23 The salary amounts for the Essential Elements
24 determined pursuant to subparagraphs (A) through (L), (S)
25 and (T), and (V) through (X) of paragraph (2) of
26 subsection (b) of this Section shall be multiplied by a

1 Regionalization Factor.

2 (c) Local Capacity calculation.

3 (1) Each Organizational Unit's Local Capacity
4 represents an amount of funding it is assumed to
5 contribute toward its Adequacy Target for purposes of the
6 Evidence-Based Funding formula calculation. "Local
7 Capacity" means either (i) the Organizational Unit's Local
8 Capacity Target as calculated in accordance with paragraph
9 (2) of this subsection (c) if its Real Receipts are equal
10 to or less than its Local Capacity Target or (ii) the
11 Organizational Unit's Adjusted Local Capacity, as
12 calculated in accordance with paragraph (3) of this
13 subsection (c) if Real Receipts are more than its Local
14 Capacity Target.

15 (2) "Local Capacity Target" means, for an
16 Organizational Unit, that dollar amount that is obtained
17 by multiplying its Adequacy Target by its Local Capacity
18 Ratio.

19 (A) An Organizational Unit's Local Capacity
20 Percentage is the conversion of the Organizational
21 Unit's Local Capacity Ratio, as such ratio is
22 determined in accordance with subparagraph (B) of this
23 paragraph (2), into a cumulative distribution
24 resulting in a percentile ranking to determine each
25 Organizational Unit's relative position to all other
26 Organizational Units in this State. The calculation of

1 Local Capacity Percentage is described in subparagraph
2 (C) of this paragraph (2).

3 (B) An Organizational Unit's Local Capacity Ratio
4 in a given year is the percentage obtained by dividing
5 its Adjusted EAV or PTELL EAV, whichever is less, by
6 its Adequacy Target, with the resulting ratio further
7 adjusted as follows:

8 (i) for Organizational Units serving grades
9 kindergarten through 12 and Hybrid Districts, no
10 further adjustments shall be made;

11 (ii) for Organizational Units serving grades
12 kindergarten through 8, the ratio shall be
13 multiplied by 9/13;

14 (iii) for Organizational Units serving grades
15 9 through 12, the Local Capacity Ratio shall be
16 multiplied by 4/13; and

17 (iv) for an Organizational Unit with a
18 different grade configuration than those specified
19 in items (i) through (iii) of this subparagraph
20 (B), the State Superintendent shall determine a
21 comparable adjustment based on the grades served.

22 (C) The Local Capacity Percentage is equal to the
23 percentile ranking of the district. Local Capacity
24 Percentage converts each Organizational Unit's Local
25 Capacity Ratio to a cumulative distribution resulting
26 in a percentile ranking to determine each

1 Organizational Unit's relative position to all other
2 Organizational Units in this State. The Local Capacity
3 Percentage cumulative distribution resulting in a
4 percentile ranking for each Organizational Unit shall
5 be calculated using the standard normal distribution
6 of the score in relation to the weighted mean and
7 weighted standard deviation and Local Capacity Ratios
8 of all Organizational Units. If the value assigned to
9 any Organizational Unit is in excess of 90%, the value
10 shall be adjusted to 90%. For Laboratory Schools, the
11 Local Capacity Percentage shall be set at 10% in
12 recognition of the absence of EAV and resources from
13 the public university that are allocated to the
14 Laboratory School. For a regional office of education
15 or an intermediate service center operating one or
16 more alternative education programs, the Local
17 Capacity Percentage must be set at 10% in recognition
18 of the absence of EAV and resources from school
19 districts that are allocated to the regional office of
20 education or intermediate service center. The weighted
21 mean for the Local Capacity Percentage shall be
22 determined by multiplying each Organizational Unit's
23 Local Capacity Ratio times the ASE for the unit
24 creating a weighted value, summing the weighted values
25 of all Organizational Units, and dividing by the total
26 ASE of all Organizational Units. The weighted standard

1 deviation shall be determined by taking the square
2 root of the weighted variance of all Organizational
3 Units' Local Capacity Ratio, where the variance is
4 calculated by squaring the difference between each
5 unit's Local Capacity Ratio and the weighted mean,
6 then multiplying the variance for each unit times the
7 ASE for the unit to create a weighted variance for each
8 unit, then summing all units' weighted variance and
9 dividing by the total ASE of all units.

10 (D) For any Organizational Unit, the
11 Organizational Unit's Adjusted Local Capacity Target
12 shall be reduced by either (i) the school board's
13 remaining contribution pursuant to paragraph (ii) of
14 subsection (b-4) of Section 16-158 of the Illinois
15 Pension Code in a given year or (ii) the board of
16 education's remaining contribution pursuant to
17 paragraph (iv) of subsection (b) of Section 17-129 of
18 the Illinois Pension Code absent the employer normal
19 cost portion of the required contribution and amount
20 allowed pursuant to subdivision (3) of Section
21 17-142.1 of the Illinois Pension Code in a given year.
22 In the preceding sentence, item (i) shall be certified
23 to the State Board of Education by the Teachers'
24 Retirement System of the State of Illinois and item
25 (ii) shall be certified to the State Board of
26 Education by the Public School Teachers' Pension and

1 Retirement Fund of the City of Chicago.

2 (3) If an Organizational Unit's Real Receipts are more
3 than its Local Capacity Target, then its Local Capacity
4 shall equal an Adjusted Local Capacity Target as
5 calculated in accordance with this paragraph (3). The
6 Adjusted Local Capacity Target is calculated as the sum of
7 the Organizational Unit's Local Capacity Target and its
8 Real Receipts Adjustment. The Real Receipts Adjustment
9 equals the Organizational Unit's Real Receipts less its
10 Local Capacity Target, with the resulting figure
11 multiplied by the Local Capacity Percentage.

12 As used in this paragraph (3), "Real Percent of
13 Adequacy" means the sum of an Organizational Unit's Real
14 Receipts, CPPRT, and Base Funding Minimum, with the
15 resulting figure divided by the Organizational Unit's
16 Adequacy Target.

17 (d) Calculation of Real Receipts, EAV, and Adjusted EAV
18 for purposes of the Local Capacity calculation.

19 (1) An Organizational Unit's Real Receipts are the
20 product of its Applicable Tax Rate and its Adjusted EAV.
21 An Organizational Unit's Applicable Tax Rate is its
22 Adjusted Operating Tax Rate for property within the
23 Organizational Unit.

24 (2) The State Superintendent shall calculate the
25 equalized assessed valuation, or EAV, of all taxable
26 property of each Organizational Unit as of September 30 of

1 the previous year in accordance with paragraph (3) of this
2 subsection (d). The State Superintendent shall then
3 determine the Adjusted EAV of each Organizational Unit in
4 accordance with paragraph (4) of this subsection (d),
5 which Adjusted EAV figure shall be used for the purposes
6 of calculating Local Capacity.

7 (3) To calculate Real Receipts and EAV, the Department
8 of Revenue shall supply to the State Superintendent the
9 value as equalized or assessed by the Department of
10 Revenue of all taxable property of every Organizational
11 Unit, together with (i) the applicable tax rate used in
12 extending taxes for the funds of the Organizational Unit
13 as of September 30 of the previous year and (ii) the
14 limiting rate for all Organizational Units subject to
15 property tax extension limitations as imposed under PTELL.

16 (A) The Department of Revenue shall add to the
17 equalized assessed value of all taxable property of
18 each Organizational Unit situated entirely or
19 partially within a county that is or was subject to the
20 provisions of Section 15-176 or 15-177 of the Property
21 Tax Code (i) an amount equal to the total amount by
22 which the homestead exemption allowed under Section
23 15-176 or 15-177 of the Property Tax Code for real
24 property situated in that Organizational Unit exceeds
25 the total amount that would have been allowed in that
26 Organizational Unit if the maximum reduction under

1 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
2 in all other counties in tax year 2003 or (II) \$5,000
3 in all counties in tax year 2004 and thereafter and
4 (ii) an amount equal to the aggregate amount for the
5 taxable year of all additional exemptions under
6 Section 15-175 of the Property Tax Code for owners
7 with a household income of \$30,000 or less. The county
8 clerk of any county that is or was subject to the
9 provisions of Section 15-176 or 15-177 of the Property
10 Tax Code shall annually calculate and certify to the
11 Department of Revenue for each Organizational Unit all
12 homestead exemption amounts under Section 15-176 or
13 15-177 of the Property Tax Code and all amounts of
14 additional exemptions under Section 15-175 of the
15 Property Tax Code for owners with a household income
16 of \$30,000 or less. It is the intent of this
17 subparagraph (A) that if the general homestead
18 exemption for a parcel of property is determined under
19 Section 15-176 or 15-177 of the Property Tax Code
20 rather than Section 15-175, then the calculation of
21 EAV shall not be affected by the difference, if any,
22 between the amount of the general homestead exemption
23 allowed for that parcel of property under Section
24 15-176 or 15-177 of the Property Tax Code and the
25 amount that would have been allowed had the general
26 homestead exemption for that parcel of property been

1 determined under Section 15-175 of the Property Tax
2 Code. It is further the intent of this subparagraph
3 (A) that if additional exemptions are allowed under
4 Section 15-175 of the Property Tax Code for owners
5 with a household income of less than \$30,000, then the
6 calculation of EAV shall not be affected by the
7 difference, if any, because of those additional
8 exemptions.

9 (B) With respect to any part of an Organizational
10 Unit within a redevelopment project area in respect to
11 which a municipality has adopted tax increment
12 allocation financing pursuant to the Tax Increment
13 Allocation Redevelopment Act, Division 74.4 of Article
14 11 of the Illinois Municipal Code, or the Industrial
15 Jobs Recovery Law, Division 74.6 of Article 11 of the
16 Illinois Municipal Code, no part of the current EAV of
17 real property located in any such project area that is
18 attributable to an increase above the total initial
19 EAV of such property shall be used as part of the EAV
20 of the Organizational Unit, until such time as all
21 redevelopment project costs have been paid, as
22 provided in Section 11-74.4-8 of the Tax Increment
23 Allocation Redevelopment Act or in Section 11-74.6-35
24 of the Industrial Jobs Recovery Law. For the purpose
25 of the EAV of the Organizational Unit, the total
26 initial EAV or the current EAV, whichever is lower,

1 shall be used until such time as all redevelopment
2 project costs have been paid.

3 (B-5) The real property equalized assessed
4 valuation for a school district shall be adjusted by
5 subtracting from the real property value, as equalized
6 or assessed by the Department of Revenue, for the
7 district an amount computed by dividing the amount of
8 any abatement of taxes under Section 18-170 of the
9 Property Tax Code by 3.00% for a district maintaining
10 grades kindergarten through 12, by 2.30% for a
11 district maintaining grades kindergarten through 8, or
12 by 1.05% for a district maintaining grades 9 through
13 12 and adjusted by an amount computed by dividing the
14 amount of any abatement of taxes under subsection (a)
15 of Section 18-165 of the Property Tax Code by the same
16 percentage rates for district type as specified in
17 this subparagraph (B-5).

18 (C) For Organizational Units that are Hybrid
19 Districts, the State Superintendent shall use the
20 lesser of the adjusted equalized assessed valuation
21 for property within the partial elementary unit
22 district for elementary purposes, as defined in
23 Article 11E of this Code, or the adjusted equalized
24 assessed valuation for property within the partial
25 elementary unit district for high school purposes, as
26 defined in Article 11E of this Code.

1 (D) If a school district's boundaries span
2 multiple counties, then the Department of Revenue
3 shall send to the State Board, for the purposes of
4 calculating Evidence-Based Funding, the limiting rate
5 and individual rates by purpose for the county that
6 contains the majority of the school district's
7 equalized assessed valuation.

8 (4) An Organizational Unit's Adjusted EAV shall be the
9 average of its EAV over the immediately preceding 3 years
10 or the lesser of its EAV in the immediately preceding year
11 or the average of its EAV over the immediately preceding 3
12 years if the EAV in the immediately preceding year has
13 declined by 10% or more when comparing the 2 most recent
14 years. In the event of Organizational Unit reorganization,
15 consolidation, or annexation, the Organizational Unit's
16 Adjusted EAV for the first 3 years after such change shall
17 be as follows: the most current EAV shall be used in the
18 first year, the average of a 2-year EAV or its EAV in the
19 immediately preceding year if the EAV declines by 10% or
20 more when comparing the 2 most recent years for the second
21 year, and the lesser of a 3-year average EAV or its EAV in
22 the immediately preceding year if the Adjusted EAV
23 declines by 10% or more when comparing the 2 most recent
24 years for the third year. For any school district whose
25 EAV in the immediately preceding year is used in
26 calculations, in the following year, the Adjusted EAV

1 shall be the average of its EAV over the immediately
2 preceding 2 years or the immediately preceding year if
3 that year represents a decline of 10% or more when
4 comparing the 2 most recent years.

5 "PTELL EAV" means a figure calculated by the State
6 Board for Organizational Units subject to PTELL as
7 described in this paragraph (4) for the purposes of
8 calculating an Organizational Unit's Local Capacity Ratio.
9 Except as otherwise provided in this paragraph (4), the
10 PTELL EAV of an Organizational Unit shall be equal to the
11 product of the equalized assessed valuation last used in
12 the calculation of general State aid under Section 18-8.05
13 of this Code (now repealed) or Evidence-Based Funding
14 under this Section and the Organizational Unit's Extension
15 Limitation Ratio. If an Organizational Unit has approved
16 or does approve an increase in its limiting rate, pursuant
17 to Section 18-190 of the Property Tax Code, affecting the
18 Base Tax Year, the PTELL EAV shall be equal to the product
19 of the equalized assessed valuation last used in the
20 calculation of general State aid under Section 18-8.05 of
21 this Code (now repealed) or Evidence-Based Funding under
22 this Section multiplied by an amount equal to one plus the
23 percentage increase, if any, in the Consumer Price Index
24 for All Urban Consumers for all items published by the
25 United States Department of Labor for the 12-month
26 calendar year preceding the Base Tax Year, plus the

1 equalized assessed valuation of new property, annexed
2 property, and recovered tax increment value and minus the
3 equalized assessed valuation of disconnected property.

4 As used in this paragraph (4), "new property" and
5 "recovered tax increment value" shall have the meanings
6 set forth in the Property Tax Extension Limitation Law.

7 (e) Base Funding Minimum calculation.

8 (1) For the 2017-2018 school year, the Base Funding
9 Minimum of an Organizational Unit or a Specially Funded
10 Unit shall be the amount of State funds distributed to the
11 Organizational Unit or Specially Funded Unit during the
12 2016-2017 school year prior to any adjustments and
13 specified appropriation amounts described in this
14 paragraph (1) from the following Sections, as calculated
15 by the State Superintendent: Section 18-8.05 of this Code
16 (now repealed); Section 5 of Article 224 of Public Act
17 99-524 (equity grants); Section 14-7.02b of this Code
18 (funding for children requiring special education
19 services); Section 14-13.01 of this Code (special
20 education facilities and staffing), except for
21 reimbursement of the cost of transportation pursuant to
22 Section 14-13.01; Section 14C-12 of this Code (English
23 learners); and Section 18-4.3 of this Code (summer
24 school), based on an appropriation level of \$13,121,600.
25 For a school district organized under Article 34 of this
26 Code, the Base Funding Minimum also includes (i) the funds

1 allocated to the school district pursuant to Section 1D-1
2 of this Code attributable to funding programs authorized
3 by the Sections of this Code listed in the preceding
4 sentence and (ii) the difference between (I) the funds
5 allocated to the school district pursuant to Section 1D-1
6 of this Code attributable to the funding programs
7 authorized by Section 14-7.02 (non-public special
8 education reimbursement), subsection (b) of Section
9 14-13.01 (special education transportation), Section 29-5
10 (transportation), Section 2-3.80 (agricultural
11 education), Section 2-3.66 (truants' alternative
12 education), Section 2-3.62 (educational service centers),
13 and Section 14-7.03 (special education - orphanage) of
14 this Code and Section 15 of the Childhood Hunger Relief
15 Act (free breakfast program) and (II) the school
16 district's actual expenditures for its non-public special
17 education, special education transportation,
18 transportation programs, agricultural education, truants'
19 alternative education, services that would otherwise be
20 performed by a regional office of education, special
21 education orphanage expenditures, and free breakfast, as
22 most recently calculated and reported pursuant to
23 subsection (f) of Section 1D-1 of this Code. The Base
24 Funding Minimum for Glenwood Academy shall be \$952,014.
25 For programs operated by a regional office of education or
26 an intermediate service center, the Base Funding Minimum

1 must be the total amount of State funds allocated to those
2 programs in the 2018-2019 school year and amounts provided
3 pursuant to Article 34 of Public Act 100-586 and Section
4 3-16 of this Code. All programs established after June 5,
5 2019 (the effective date of Public Act 101-10) and
6 administered by a regional office of education or an
7 intermediate service center must have an initial Base
8 Funding Minimum set to an amount equal to the first-year
9 ASE multiplied by the amount of per pupil funding received
10 in the previous school year by the lowest funded similar
11 existing program type. If the enrollment for a program
12 operated by a regional office of education or an
13 intermediate service center is zero, then it may not
14 receive Base Funding Minimum funds for that program in the
15 next fiscal year, and those funds must be distributed to
16 Organizational Units under subsection (g).

17 (2) For the 2018-2019 and subsequent school years, the
18 Base Funding Minimum of Organizational Units and Specially
19 Funded Units shall be the sum of (i) the amount of
20 Evidence-Based Funding for the prior school year, (ii) the
21 Base Funding Minimum for the prior school year, and (iii)
22 any amount received by a school district pursuant to
23 Section 7 of Article 97 of Public Act 100-21.

24 For the 2022-2023 school year, the Base Funding
25 Minimum of Organizational Units shall be the amounts
26 recalculated by the State Board of Education for Fiscal

1 Year 2019 through Fiscal Year 2022 that were necessary due
2 to average student enrollment errors for districts
3 organized under Article 34 of this Code, plus the Fiscal
4 Year 2022 property tax relief grants provided under
5 Section 2-3.170 of this Code, ensuring each Organizational
6 Unit has the correct amount of resources for Fiscal Year
7 2023 Evidence-Based Funding calculations and that Fiscal
8 Year 2023 Evidence-Based Funding Distributions are made in
9 accordance with this Section.

10 (3) Subject to approval by the General Assembly as
11 provided in this paragraph (3), an Organizational Unit
12 that meets all of the following criteria, as determined by
13 the State Board, shall have District Intervention Money
14 added to its Base Funding Minimum at the time the Base
15 Funding Minimum is calculated by the State Board:

16 (A) The Organizational Unit is operating under an
17 Independent Authority under Section 2-3.25f-5 of this
18 Code for a minimum of 4 school years or is subject to
19 the control of the State Board pursuant to a court
20 order for a minimum of 4 school years.

21 (B) The Organizational Unit was designated as a
22 Tier 1 or Tier 2 Organizational Unit in the previous
23 school year under paragraph (3) of subsection (g) of
24 this Section.

25 (C) The Organizational Unit demonstrates
26 sustainability through a 5-year financial and

1 strategic plan.

2 (D) The Organizational Unit has made sufficient
3 progress and achieved sufficient stability in the
4 areas of governance, academic growth, and finances.

5 As part of its determination under this paragraph (3),
6 the State Board may consider the Organizational Unit's
7 summative designation, any accreditations of the
8 Organizational Unit, or the Organizational Unit's
9 financial profile, as calculated by the State Board.

10 If the State Board determines that an Organizational
11 Unit has met the criteria set forth in this paragraph (3),
12 it must submit a report to the General Assembly, no later
13 than January 2 of the fiscal year in which the State Board
14 makes its determination, on the amount of District
15 Intervention Money to add to the Organizational Unit's
16 Base Funding Minimum. The General Assembly must review the
17 State Board's report and may approve or disapprove, by
18 joint resolution, the addition of District Intervention
19 Money. If the General Assembly fails to act on the report
20 within 40 calendar days from the receipt of the report,
21 the addition of District Intervention Money is deemed
22 approved. If the General Assembly approves the amount of
23 District Intervention Money to be added to the
24 Organizational Unit's Base Funding Minimum, the District
25 Intervention Money must be added to the Base Funding
26 Minimum annually thereafter.

1 For the first 4 years following the initial year that
2 the State Board determines that an Organizational Unit has
3 met the criteria set forth in this paragraph (3) and has
4 received funding under this Section, the Organizational
5 Unit must annually submit to the State Board, on or before
6 November 30, a progress report regarding its financial and
7 strategic plan under subparagraph (C) of this paragraph
8 (3). The plan shall include the financial data from the
9 past 4 annual financial reports or financial audits that
10 must be presented to the State Board by November 15 of each
11 year and the approved budget financial data for the
12 current year. The plan shall be developed according to the
13 guidelines presented to the Organizational Unit by the
14 State Board. The plan shall further include financial
15 projections for the next 3 fiscal years and include a
16 discussion and financial summary of the Organizational
17 Unit's facility needs. If the Organizational Unit does not
18 demonstrate sufficient progress toward its 5-year plan or
19 if it has failed to file an annual financial report, an
20 annual budget, a financial plan, a deficit reduction plan,
21 or other financial information as required by law, the
22 State Board may establish a Financial Oversight Panel
23 under Article 1H of this Code. However, if the
24 Organizational Unit already has a Financial Oversight
25 Panel, the State Board may extend the duration of the
26 Panel.

1 (f) Percent of Adequacy and Final Resources calculation.

2 (1) The Evidence-Based Funding formula establishes a
3 Percent of Adequacy for each Organizational Unit in order
4 to place such units into tiers for the purposes of the
5 funding distribution system described in subsection (g) of
6 this Section. Initially, an Organizational Unit's
7 Preliminary Resources and Preliminary Percent of Adequacy
8 are calculated pursuant to paragraph (2) of this
9 subsection (f). Then, an Organizational Unit's Final
10 Resources and Final Percent of Adequacy are calculated to
11 account for the Organizational Unit's poverty
12 concentration levels pursuant to paragraphs (3) and (4) of
13 this subsection (f).

14 (2) An Organizational Unit's Preliminary Resources are
15 equal to the sum of its Local Capacity Target, CPPRT, and
16 Base Funding Minimum. An Organizational Unit's Preliminary
17 Percent of Adequacy is the lesser of (i) its Preliminary
18 Resources divided by its Adequacy Target or (ii) 100%.

19 (3) Except for Specially Funded Units, an
20 Organizational Unit's Final Resources are equal to the sum
21 of its Local Capacity, CPPRT, and Adjusted Base Funding
22 Minimum. The Base Funding Minimum of each Specially Funded
23 Unit shall serve as its Final Resources, except that the
24 Base Funding Minimum for State-approved charter schools
25 shall not include any portion of general State aid
26 allocated in the prior year based on the per capita

1 tuition charge times the charter school enrollment.

2 (4) An Organizational Unit's Final Percent of Adequacy
3 is its Final Resources divided by its Adequacy Target. An
4 Organizational Unit's Adjusted Base Funding Minimum is
5 equal to its Base Funding Minimum less its Supplemental
6 Grant Funding, with the resulting figure added to the
7 product of its Supplemental Grant Funding and Preliminary
8 Percent of Adequacy.

9 (g) Evidence-Based Funding formula distribution system.

10 (1) In each school year under the Evidence-Based
11 Funding formula, each Organizational Unit receives funding
12 equal to the sum of its Base Funding Minimum and the unit's
13 allocation of New State Funds determined pursuant to this
14 subsection (g). To allocate New State Funds, the
15 Evidence-Based Funding formula distribution system first
16 places all Organizational Units into one of 4 tiers in
17 accordance with paragraph (3) of this subsection (g),
18 based on the Organizational Unit's Final Percent of
19 Adequacy. New State Funds are allocated to each of the 4
20 tiers as follows: Tier 1 Aggregate Funding equals 50% of
21 all New State Funds, Tier 2 Aggregate Funding equals 49%
22 of all New State Funds, Tier 3 Aggregate Funding equals
23 0.9% of all New State Funds, and Tier 4 Aggregate Funding
24 equals 0.1% of all New State Funds. Each Organizational
25 Unit within Tier 1 or Tier 2 receives an allocation of New
26 State Funds equal to its tier Funding Gap, as defined in

1 the following sentence, multiplied by the tier's
2 Allocation Rate determined pursuant to paragraph (4) of
3 this subsection (g). For Tier 1, an Organizational Unit's
4 Funding Gap equals the tier's Target Ratio, as specified
5 in paragraph (5) of this subsection (g), multiplied by the
6 Organizational Unit's Adequacy Target, with the resulting
7 amount reduced by the Organizational Unit's Final
8 Resources. For Tier 2, an Organizational Unit's Funding
9 Gap equals the tier's Target Ratio, as described in
10 paragraph (5) of this subsection (g), multiplied by the
11 Organizational Unit's Adequacy Target, with the resulting
12 amount reduced by the Organizational Unit's Final
13 Resources and its Tier 1 funding allocation. To determine
14 the Organizational Unit's Funding Gap, the resulting
15 amount is then multiplied by a factor equal to one minus
16 the Organizational Unit's Local Capacity Target
17 percentage. Each Organizational Unit within Tier 3 or Tier
18 4 receives an allocation of New State Funds equal to the
19 product of its Adequacy Target and the tier's Allocation
20 Rate, as specified in paragraph (4) of this subsection
21 (g).

22 (2) To ensure equitable distribution of dollars for
23 all Tier 2 Organizational Units, no Tier 2 Organizational
24 Unit shall receive fewer dollars per ASE than any Tier 3
25 Organizational Unit. Each Tier 2 and Tier 3 Organizational
26 Unit shall have its funding allocation divided by its ASE.

Any Tier 2 Organizational Unit with a funding allocation per ASE below the greatest Tier 3 allocation per ASE shall get a funding allocation equal to the greatest Tier 3 funding allocation per ASE multiplied by the Organizational Unit's ASE. Each Tier 2 Organizational Unit's Tier 2 funding allocation shall be multiplied by the percentage calculated by dividing the original Tier 2 Aggregate Funding by the sum of all Tier 2 Organizational Units' Tier 2 funding allocation after adjusting districts' funding below Tier 3 levels.

(3) Organizational Units are placed into one of 4 tiers as follows:

(A) Tier 1 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy less than the Tier 1 Target Ratio. The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed, with the Tier 1 Allocation Rate determined pursuant to paragraph (4) of this subsection (g).

(B) Tier 2 consists of all Tier 1 Units and all other Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of less than 0.90.

(C) Tier 3 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of at least 0.90 and less than 1.0.

1 (D) Tier 4 consists of all Organizational Units
2 with a Percent of Adequacy of at least 1.0.

3 (4) The Allocation Rates for Tiers 1 through 4 are
4 determined as follows:

5 (A) The Tier 1 Allocation Rate is 30%.

6 (B) The Tier 2 Allocation Rate is the result of the
7 following equation: Tier 2 Aggregate Funding, divided
8 by the sum of the Funding Gaps for all Tier 2
9 Organizational Units, unless the result of such
10 equation is higher than 1.0. If the result of such
11 equation is higher than 1.0, then the Tier 2
12 Allocation Rate is 1.0.

13 (C) The Tier 3 Allocation Rate is the result of the
14 following equation: Tier 3 Aggregate Funding, divided
15 by the sum of the Adequacy Targets of all Tier 3
16 Organizational Units.

17 (D) The Tier 4 Allocation Rate is the result of the
18 following equation: Tier 4 Aggregate Funding, divided
19 by the sum of the Adequacy Targets of all Tier 4
20 Organizational Units.

21 (5) A tier's Target Ratio is determined as follows:

22 (A) The Tier 1 Target Ratio is the ratio level that
23 allows for Tier 1 Aggregate Funding to be distributed
24 with the Tier 1 Allocation Rate.

25 (B) The Tier 2 Target Ratio is 0.90.

26 (C) The Tier 3 Target Ratio is 1.0.

1 (6) If, at any point, the Tier 1 Target Ratio is
2 greater than 90%, then all Tier 1 funding shall be
3 allocated to Tier 2 and no Tier 1 Organizational Unit's
4 funding may be identified.

5 (7) In the event that all Tier 2 Organizational Units
6 receive funding at the Tier 2 Target Ratio level, any
7 remaining New State Funds shall be allocated to Tier 3 and
8 Tier 4 Organizational Units.

9 (8) If any Specially Funded Units, excluding Glenwood
10 Academy, recognized by the State Board do not qualify for
11 direct funding following the implementation of Public Act
12 100-465 from any of the funding sources included within
13 the definition of Base Funding Minimum, the unqualified
14 portion of the Base Funding Minimum shall be transferred
15 to one or more appropriate Organizational Units as
16 determined by the State Superintendent based on the prior
17 year ASE of the Organizational Units.

18 (8.5) If a school district withdraws from a special
19 education cooperative, the portion of the Base Funding
20 Minimum that is attributable to the school district may be
21 redistributed to the school district upon withdrawal. The
22 school district and the cooperative must include the
23 amount of the Base Funding Minimum that is to be
24 reapportioned in their withdrawal agreement and notify the
25 State Board of the change with a copy of the agreement upon
26 withdrawal.

1 (9) The Minimum Funding Level is intended to establish
2 a target for State funding that will keep pace with
3 inflation and continue to advance equity through the
4 Evidence-Based Funding formula. The target for State
5 funding of New Property Tax Relief Pool Funds is
6 \$50,000,000 for State fiscal year 2019 and subsequent
7 State fiscal years. The Minimum Funding Level is equal to
8 \$350,000,000. In addition to any New State Funds, no more
9 than \$50,000,000 New Property Tax Relief Pool Funds may be
10 counted toward the Minimum Funding Level. If the sum of
11 New State Funds and applicable New Property Tax Relief
12 Pool Funds are less than the Minimum Funding Level, than
13 funding for tiers shall be reduced in the following
14 manner:

15 (A) First, Tier 4 funding shall be reduced by an
16 amount equal to the difference between the Minimum
17 Funding Level and New State Funds until such time as
18 Tier 4 funding is exhausted.

19 (B) Next, Tier 3 funding shall be reduced by an
20 amount equal to the difference between the Minimum
21 Funding Level and New State Funds and the reduction in
22 Tier 4 funding until such time as Tier 3 funding is
23 exhausted.

24 (C) Next, Tier 2 funding shall be reduced by an
25 amount equal to the difference between the Minimum
26 Funding Level and New State Funds and the reduction in

1 Tier 4 and Tier 3.

2 (D) Finally, Tier 1 funding shall be reduced by an
3 amount equal to the difference between the Minimum
4 Funding level and New State Funds and the reduction in
5 Tier 2, 3, and 4 funding. In addition, the Allocation
6 Rate for Tier 1 shall be reduced to a percentage equal
7 to the Tier 1 Allocation Rate set by paragraph (4) of
8 this subsection (g), multiplied by the result of New
9 State Funds divided by the Minimum Funding Level.

10 (9.5) For State fiscal year 2019 and subsequent State
11 fiscal years, if New State Funds exceed \$300,000,000, then
12 any amount in excess of \$300,000,000 shall be dedicated
13 for purposes of Section 2-3.170 of this Code up to a
14 maximum of \$50,000,000.

15 (10) In the event of a decrease in the amount of the
16 appropriation for this Section in any fiscal year after
17 implementation of this Section, the Organizational Units
18 receiving Tier 1 and Tier 2 funding, as determined under
19 paragraph (3) of this subsection (g), shall be held
20 harmless by establishing a Base Funding Guarantee equal to
21 the per pupil kindergarten through grade 12 funding
22 received in accordance with this Section in the prior
23 fiscal year. Reductions shall be made to the Base Funding
24 Minimum of Organizational Units in Tier 3 and Tier 4 on a
25 per pupil basis equivalent to the total number of the ASE
26 in Tier 3-funded and Tier 4-funded Organizational Units

1 divided by the total reduction in State funding. The Base
2 Funding Minimum as reduced shall continue to be applied to
3 Tier 3 and Tier 4 Organizational Units and adjusted by the
4 relative formula when increases in appropriations for this
5 Section resume. In no event may State funding reductions
6 to Organizational Units in Tier 3 or Tier 4 exceed an
7 amount that would be less than the Base Funding Minimum
8 established in the first year of implementation of this
9 Section. If additional reductions are required, all school
10 districts shall receive a reduction by a per pupil amount
11 equal to the aggregate additional appropriation reduction
12 divided by the total ASE of all Organizational Units.

13 (11) The State Superintendent shall make minor
14 adjustments to the distribution formula set forth in this
15 subsection (g) to account for the rounding of percentages
16 to the nearest tenth of a percentage and dollar amounts to
17 the nearest whole dollar.

18 (h) State Superintendent administration of funding and
19 district submission requirements.

20 (1) The State Superintendent shall, in accordance with
21 appropriations made by the General Assembly, meet the
22 funding obligations created under this Section.

23 (2) The State Superintendent shall calculate the
24 Adequacy Target for each Organizational Unit under this
25 Section. No Evidence-Based Funding shall be distributed
26 within an Organizational Unit without the approval of the

1 unit's school board.

2 (3) Annually, the State Superintendent shall calculate
3 and report to each Organizational Unit the unit's
4 aggregate financial adequacy amount, which shall be the
5 sum of the Adequacy Target for each Organizational Unit.
6 The State Superintendent shall calculate and report
7 separately for each Organizational Unit the unit's total
8 State funds allocated for its students with disabilities.
9 The State Superintendent shall calculate and report
10 separately for each Organizational Unit the amount of
11 funding and applicable FTE calculated for each Essential
12 Element of the unit's Adequacy Target.

13 (4) Annually, the State Superintendent shall calculate
14 and report to each Organizational Unit the amount the unit
15 must expend on special education and bilingual education
16 and computer technology and equipment for Organizational
17 Units assigned to Tier 1 or Tier 2 that received an
18 additional \$285.50 per student computer technology and
19 equipment investment grant to their Adequacy Target
20 pursuant to the unit's Base Funding Minimum, Special
21 Education Allocation, Bilingual Education Allocation, and
22 computer technology and equipment investment allocation.

23 (5) Moneys distributed under this Section shall be
24 calculated on a school year basis, but paid on a fiscal
25 year basis, with payments beginning in August and
26 extending through June. Unless otherwise provided, the

1 moneys appropriated for each fiscal year shall be
2 distributed in 22 equal payments at least 2 times monthly
3 to each Organizational Unit. If moneys appropriated for
4 any fiscal year are distributed other than monthly, the
5 distribution shall be on the same basis for each
6 Organizational Unit.

7 (6) Any school district that fails, for any given
8 school year, to maintain school as required by law or to
9 maintain a recognized school is not eligible to receive
10 Evidence-Based Funding. In case of non-recognition of one
11 or more attendance centers in a school district otherwise
12 operating recognized schools, the claim of the district
13 shall be reduced in the proportion that the enrollment in
14 the attendance center or centers bears to the enrollment
15 of the school district. "Recognized school" means any
16 public school that meets the standards for recognition by
17 the State Board. A school district or attendance center
18 not having recognition status at the end of a school term
19 is entitled to receive State aid payments due upon a legal
20 claim that was filed while it was recognized.

21 (7) School district claims filed under this Section
22 are subject to Sections 18-9 and 18-12 of this Code,
23 except as otherwise provided in this Section.

24 (8) Each fiscal year, the State Superintendent shall
25 calculate for each Organizational Unit an amount of its
26 Base Funding Minimum and Evidence-Based Funding that shall

1 be deemed attributable to the provision of special
2 educational facilities and services, as defined in Section
3 14-1.08 of this Code, in a manner that ensures compliance
4 with maintenance of State financial support requirements
5 under the federal Individuals with Disabilities Education
6 Act. An Organizational Unit must use such funds only for
7 the provision of special educational facilities and
8 services, as defined in Section 14-1.08 of this Code, and
9 must comply with any expenditure verification procedures
10 adopted by the State Board.

11 (9) All Organizational Units in this State must submit
12 annual spending plans, as part of the budget submission
13 process, no later than October 31 of each year to the State
14 Board. The spending plan shall describe how each
15 Organizational Unit will utilize the Base Funding Minimum
16 and Evidence-Based Funding it receives from this State
17 under this Section with specific identification of the
18 intended utilization of Low-Income, English learner, and
19 special education resources. Additionally, the annual
20 spending plans of each Organizational Unit shall describe
21 how the Organizational Unit expects to achieve student
22 growth and how the Organizational Unit will achieve State
23 education goals, as defined by the State Board, and shall
24 indicate which stakeholder groups the Organizational Unit
25 engaged with to inform its annual spending plans. The
26 State Superintendent may, from time to time, identify

1 additional requisites for Organizational Units to satisfy
2 when compiling the annual spending plans required under
3 this subsection (h). The format and scope of annual
4 spending plans shall be developed by the State
5 Superintendent and the State Board of Education. School
6 districts that serve students under Article 14C of this
7 Code shall continue to submit information as required
8 under Section 14C-12 of this Code. Annual spending plans
9 required under this subsection (h) shall be integrated
10 into annual school district budgets completed pursuant to
11 Section 17-1 or Section 34-43. Organizational Units that
12 do not submit a budget to the State Board shall be provided
13 with a separate planning template developed by the State
14 Board. The State Board shall create an Evidence-Based
15 Funding spending plan tool to make Evidence-Based Funding
16 spending plan data for each Organizational Unit available
17 on the State Board's website no later than December 31,
18 2025, with annual updates thereafter. The tool shall allow
19 for the selection and review of each Organizational Unit's
20 planned use of Evidence-Based Funding.

21 (10) No later than January 1, 2018, the State
22 Superintendent shall develop a 5-year strategic plan for
23 all Organizational Units to help in planning for adequacy
24 funding under this Section. The State Superintendent shall
25 submit the plan to the Governor and the General Assembly,
26 as provided in Section 3.1 of the General Assembly

1 Organization Act. The plan shall include recommendations
2 for:

3 (A) a framework for collaborative, professional,
4 innovative, and 21st century learning environments
5 using the Evidence-Based Funding model;

6 (B) ways to prepare and support this State's
7 educators for successful instructional careers;

8 (C) application and enhancement of the current
9 financial accountability measures, the approved State
10 plan to comply with the federal Every Student Succeeds
11 Act, and the Illinois Balanced Accountability Measures
12 in relation to student growth and elements of the
13 Evidence-Based Funding model; and

14 (D) implementation of an effective school adequacy
15 funding system based on projected and recommended
16 funding levels from the General Assembly.

17 (11) On an annual basis, the State Superintendent must
18 recalibrate all of the following per pupil elements of the
19 Adequacy Target and applied to the formulas, based on the
20 study of average expenses and as reported in the most
21 recent annual financial report:

22 (A) Gifted under subparagraph (M) of paragraph (2)
23 of subsection (b).

24 (B) Instructional materials under subparagraph (O)
25 of paragraph (2) of subsection (b).

26 (C) Assessment under subparagraph (P) of paragraph

1 (2) of subsection (b).

2 (D) Student activities under subparagraph (R) of
3 paragraph (2) of subsection (b).

4 (E) Maintenance and operations under subparagraph
5 (S) of paragraph (2) of subsection (b).

6 (F) Central office under subparagraph (T) of
7 paragraph (2) of subsection (b).

8 (i) Professional Review Panel.

9 (1) A Professional Review Panel is created to study
10 and review topics related to the implementation and effect
11 of Evidence-Based Funding, as assigned by a joint
12 resolution or Public Act of the General Assembly or a
13 motion passed by the State Board of Education. The Panel
14 must provide recommendations to and serve the Governor,
15 the General Assembly, and the State Board. The State
16 Superintendent or his or her designee must serve as a
17 voting member and chairperson of the Panel. The State
18 Superintendent must appoint a vice chairperson from the
19 membership of the Panel. The Panel must advance
20 recommendations based on a three-fifths majority vote of
21 Panel members present and voting. A minority opinion may
22 also accompany any recommendation of the Panel. The Panel
23 shall be appointed by the State Superintendent, except as
24 otherwise provided in paragraph (2) of this subsection (i)
25 and include the following members:

26 (A) Two appointees that represent district

1 superintendents, recommended by a statewide
2 organization that represents district superintendents.

3 (B) Two appointees that represent school boards,
4 recommended by a statewide organization that
5 represents school boards.

6 (C) Two appointees from districts that represent
7 school business officials, recommended by a statewide
8 organization that represents school business
9 officials.

10 (D) Two appointees that represent school
11 principals, recommended by a statewide organization
12 that represents school principals.

13 (E) Two appointees that represent teachers,
14 recommended by a statewide organization that
15 represents teachers.

16 (F) Two appointees that represent teachers,
17 recommended by another statewide organization that
18 represents teachers.

19 (G) Two appointees that represent regional
20 superintendents of schools, recommended by
21 organizations that represent regional superintendents.

22 (H) Two independent experts selected solely by the
23 State Superintendent.

24 (I) Two independent experts recommended by public
25 universities in this State.

26 (J) One member recommended by a statewide

1 organization that represents parents.

2 (K) Two representatives recommended by collective
3 impact organizations that represent major metropolitan
4 areas or geographic areas in Illinois.

5 (L) One member from a statewide organization
6 focused on research-based education policy to support
7 a school system that prepares all students for
8 college, a career, and democratic citizenship.

9 (M) One representative from a school district
10 organized under Article 34 of this Code.

11 The State Superintendent shall ensure that the
12 membership of the Panel includes representatives from
13 school districts and communities reflecting the
14 geographic, socio-economic, racial, and ethnic diversity
15 of this State. The State Superintendent shall additionally
16 ensure that the membership of the Panel includes
17 representatives with expertise in bilingual education and
18 special education. Staff from the State Board shall staff
19 the Panel.

20 (2) In addition to those Panel members appointed by
21 the State Superintendent, 4 members of the General
22 Assembly shall be appointed as follows: one member of the
23 House of Representatives appointed by the Speaker of the
24 House of Representatives, one member of the Senate
25 appointed by the President of the Senate, one member of
26 the House of Representatives appointed by the Minority

1 Leader of the House of Representatives, and one member of
2 the Senate appointed by the Minority Leader of the Senate.
3 There shall be one additional member appointed by the
4 Governor. All members appointed by legislative leaders or
5 the Governor shall be non-voting, ex officio members.

6 (3) The Panel must study topics at the direction of
7 the General Assembly or State Board of Education, as
8 provided under paragraph (1). The Panel may also study the
9 following topics at the direction of the chairperson:

10 (A) The format and scope of annual spending plans
11 referenced in paragraph (9) of subsection (h) of this
12 Section.

13 (B) The Comparable Wage Index under this Section.

14 (C) Maintenance and operations, including capital
15 maintenance and construction costs.

16 (D) "At-risk student" definition.

17 (E) Benefits.

18 (F) Technology.

19 (G) Local Capacity Target.

20 (H) Funding for Alternative Schools, Laboratory
21 Schools, safe schools, and alternative learning
22 opportunities programs.

23 (I) Funding for college and career acceleration
24 strategies.

25 (J) Special education investments.

26 (K) Early childhood investments, in collaboration

1 with the Illinois Early Learning Council.

2 (4) (Blank).

3 (5) Within 5 years after the implementation of this
4 Section, and every 5 years thereafter, the Panel shall
5 complete an evaluative study of the entire Evidence-Based
6 Funding model, including an assessment of whether or not
7 the formula is achieving State goals. The Panel shall
8 report to the State Board, the General Assembly, and the
9 Governor on the findings of the study.

10 (6) (Blank).

11 (7) To ensure that (i) the Adequacy Target calculation
12 under subsection (b) accurately reflects the needs of
13 students living in poverty or attending schools located in
14 areas of high poverty, (ii) racial equity within the
15 Evidence-Based Funding formula is explicitly explored and
16 advanced, and (iii) the funding goals of the formula
17 distribution system established under this Section are
18 sufficient to provide adequate funding for every student
19 and to fully fund every school in this State, the Panel
20 shall review the Essential Elements under paragraph (2) of
21 subsection (b). The Panel shall consider all of the
22 following in its review:

23 (A) The financial ability of school districts to
24 provide instruction in a foreign language to every
25 student and whether an additional Essential Element
26 should be added to the formula to ensure that every

1 student has access to instruction in a foreign
2 language.

3 (B) The adult-to-student ratio for each Essential
4 Element in which a ratio is identified. The Panel
5 shall consider whether the ratio accurately reflects
6 the staffing needed to support students living in
7 poverty or who have traumatic backgrounds.

8 (C) Changes to the Essential Elements that may be
9 required to better promote racial equity and eliminate
10 structural racism within schools.

11 (D) The impact of investing \$350,000,000 in
12 additional funds each year under this Section and an
13 estimate of when the school system will become fully
14 funded under this level of appropriation.

15 (E) Provide an overview of alternative funding
16 structures that would enable the State to become fully
17 funded at an earlier date.

18 (F) The potential to increase efficiency and to
19 find cost savings within the school system to expedite
20 the journey to a fully funded system.

21 (G) The appropriate levels for reenrolling and
22 graduating high-risk high school students who have
23 been previously out of school. These outcomes shall
24 include enrollment, attendance, skill gains, credit
25 gains, graduation or promotion to the next grade
26 level, and the transition to college, training, or

1 employment, with an emphasis on progressively
2 increasing the overall attendance.

3 (H) The evidence-based or research-based practices
4 that are shown to reduce the gaps and disparities
5 experienced by African American students in academic
6 achievement and educational performance, including
7 practices that have been shown to reduce disparities
8 in disciplinary rates, drop-out rates, graduation
9 rates, college matriculation rates, and college
10 completion rates.

11 On or before December 31, 2021, the Panel shall report
12 to the State Board, the General Assembly, and the Governor
13 on the findings of its review. This paragraph (7) is
14 inoperative on and after July 1, 2022.

15 (8) On or before April 1, 2024, the Panel must submit a
16 report to the General Assembly on annual adjustments to
17 Glenwood Academy's base-funding minimum in a similar
18 fashion to school districts under this Section.

19 (j) References. Beginning July 1, 2017, references in
20 other laws to general State aid funds or calculations under
21 Section 18-8.05 of this Code (now repealed) shall be deemed to
22 be references to evidence-based model formula funds or
23 calculations under this Section.

24 (Source: P.A. 102-33, eff. 6-25-21; 102-197, eff. 7-30-21;
25 102-558, eff. 8-20-21; 102-699, eff. 4-19-22; 102-782, eff.
26 1-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-8,

1 eff. 6-7-23; 103-154, eff. 6-30-23; 103-175, eff. 6-30-23;
2 103-605, eff. 7-1-24; 103-780, eff. 8-2-24; 103-802, eff.
3 1-1-25; revised 11-26-24.)

4 (105 ILCS 5/19-1)

5 Sec. 19-1. Debt limitations of school districts.

6 (a) School districts shall not be subject to the
7 provisions limiting their indebtedness prescribed in the Local
8 Government Debt Limitation Act.

9 No school districts maintaining grades K through 8 or 9
10 through 12 shall become indebted in any manner or for any
11 purpose to an amount, including existing indebtedness, in the
12 aggregate exceeding 6.9% on the value of the taxable property
13 therein to be ascertained by the last assessment for State and
14 county taxes or, until January 1, 1983, if greater, the sum
15 that is produced by multiplying the school district's 1978
16 equalized assessed valuation by the debt limitation percentage
17 in effect on January 1, 1979, previous to the incurring of such
18 indebtedness.

19 No school districts maintaining grades K through 12 shall
20 become indebted in any manner or for any purpose to an amount,
21 including existing indebtedness, in the aggregate exceeding
22 13.8% on the value of the taxable property therein to be
23 ascertained by the last assessment for State and county taxes
24 or, until January 1, 1983, if greater, the sum that is produced
25 by multiplying the school district's 1978 equalized assessed

1 valuation by the debt limitation percentage in effect on
2 January 1, 1979, previous to the incurring of such
3 indebtedness.

4 No partial elementary unit district, as defined in Article
5 11E of this Code, shall become indebted in any manner or for
6 any purpose in an amount, including existing indebtedness, in
7 the aggregate exceeding 6.9% of the value of the taxable
8 property of the entire district, to be ascertained by the last
9 assessment for State and county taxes, plus an amount,
10 including existing indebtedness, in the aggregate exceeding
11 6.9% of the value of the taxable property of that portion of
12 the district included in the elementary and high school
13 classification, to be ascertained by the last assessment for
14 State and county taxes. Moreover, no partial elementary unit
15 district, as defined in Article 11E of this Code, shall become
16 indebted on account of bonds issued by the district for high
17 school purposes in the aggregate exceeding 6.9% of the value
18 of the taxable property of the entire district, to be
19 ascertained by the last assessment for State and county taxes,
20 nor shall the district become indebted on account of bonds
21 issued by the district for elementary purposes in the
22 aggregate exceeding 6.9% of the value of the taxable property
23 for that portion of the district included in the elementary
24 and high school classification, to be ascertained by the last
25 assessment for State and county taxes.

26 Notwithstanding the provisions of any other law to the

1 contrary, in any case in which the voters of a school district
2 have approved a proposition for the issuance of bonds of such
3 school district at an election held prior to January 1, 1979,
4 and all of the bonds approved at such election have not been
5 issued, the debt limitation applicable to such school district
6 during the calendar year 1979 shall be computed by multiplying
7 the value of taxable property therein, including personal
8 property, as ascertained by the last assessment for State and
9 county taxes, previous to the incurring of such indebtedness,
10 by the percentage limitation applicable to such school
11 district under the provisions of this subsection (a).

12 (a-5) After January 1, 2018, no school district may issue
13 bonds under Sections 19-2 through 19-7 of this Code and rely on
14 an exception to the debt limitations in this Section unless it
15 has complied with the requirements of Section 21 of the Bond
16 Issue Notification Act and the bonds have been approved by
17 referendum.

18 (b) Notwithstanding the debt limitation prescribed in
19 subsection (a) of this Section, additional indebtedness may be
20 incurred in an amount not to exceed the estimated cost of
21 acquiring or improving school sites or constructing and
22 equipping additional building facilities under the following
23 conditions:

24 (1) Whenever the enrollment of students for the next
25 school year is estimated by the board of education to
26 increase over the actual present enrollment by not less

1 than 35% or by not less than 200 students or the actual
2 present enrollment of students has increased over the
3 previous school year by not less than 35% or by not less
4 than 200 students and the board of education determines
5 that additional school sites or building facilities are
6 required as a result of such increase in enrollment; and

7 (2) When the Regional Superintendent of Schools having
8 jurisdiction over the school district and the State
9 Superintendent of Education concur in such enrollment
10 projection or increase and approve the need for such
11 additional school sites or building facilities and the
12 estimated cost thereof; and

13 (3) When the voters in the school district approve a
14 proposition for the issuance of bonds for the purpose of
15 acquiring or improving such needed school sites or
16 constructing and equipping such needed additional building
17 facilities at an election called and held for that
18 purpose. Notice of such an election shall state that the
19 amount of indebtedness proposed to be incurred would
20 exceed the debt limitation otherwise applicable to the
21 school district. The ballot for such proposition shall
22 state what percentage of the equalized assessed valuation
23 will be outstanding in bonds if the proposed issuance of
24 bonds is approved by the voters; or

25 (4) Notwithstanding the provisions of paragraphs (1)
26 through (3) of this subsection (b), if the school board

1 determines that additional facilities are needed to
2 provide a quality educational program and not less than
3 2/3 of those voting in an election called by the school
4 board on the question approve the issuance of bonds for
5 the construction of such facilities, the school district
6 may issue bonds for this purpose; or

7 (5) Notwithstanding the provisions of paragraphs (1)
8 through (3) of this subsection (b), if (i) the school
9 district has previously availed itself of the provisions
10 of paragraph (4) of this subsection (b) to enable it to
11 issue bonds, (ii) the voters of the school district have
12 not defeated a proposition for the issuance of bonds since
13 the referendum described in paragraph (4) of this
14 subsection (b) was held, (iii) the school board determines
15 that additional facilities are needed to provide a quality
16 educational program, and (iv) a majority of those voting
17 in an election called by the school board on the question
18 approve the issuance of bonds for the construction of such
19 facilities, the school district may issue bonds for this
20 purpose.

21 In no event shall the indebtedness incurred pursuant to
22 this subsection (b) and the existing indebtedness of the
23 school district exceed 15% of the value of the taxable
24 property therein to be ascertained by the last assessment for
25 State and county taxes, previous to the incurring of such
26 indebtedness or, until January 1, 1983, if greater, the sum

1 that is produced by multiplying the school district's 1978
2 equalized assessed valuation by the debt limitation percentage
3 in effect on January 1, 1979.

4 The indebtedness provided for by this subsection (b) shall
5 be in addition to and in excess of any other debt limitation.

6 (c) Notwithstanding the debt limitation prescribed in
7 subsection (a) of this Section, in any case in which a public
8 question for the issuance of bonds of a proposed school
9 district maintaining grades kindergarten through 12 received
10 at least 60% of the valid ballots cast on the question at an
11 election held on or prior to November 8, 1994, and in which the
12 bonds approved at such election have not been issued, the
13 school district pursuant to the requirements of Section 11A-10
14 (now repealed) may issue the total amount of bonds approved at
15 such election for the purpose stated in the question.

16 (d) Notwithstanding the debt limitation prescribed in
17 subsection (a) of this Section, a school district that meets
18 all the criteria set forth in paragraphs (1) and (2) of this
19 subsection (d) may incur an additional indebtedness in an
20 amount not to exceed \$4,500,000, even though the amount of the
21 additional indebtedness authorized by this subsection (d),
22 when incurred and added to the aggregate amount of
23 indebtedness of the district existing immediately prior to the
24 district incurring the additional indebtedness authorized by
25 this subsection (d), causes the aggregate indebtedness of the
26 district to exceed the debt limitation otherwise applicable to

1 that district under subsection (a):

2 (1) The additional indebtedness authorized by this
3 subsection (d) is incurred by the school district through
4 the issuance of bonds under and in accordance with Section
5 17-2.11a for the purpose of replacing a school building
6 which, because of mine subsidence damage, has been closed
7 as provided in paragraph (2) of this subsection (d) or
8 through the issuance of bonds under and in accordance with
9 Section 19-3 for the purpose of increasing the size of, or
10 providing for additional functions in, such replacement
11 school buildings, or both such purposes.

12 (2) The bonds issued by the school district as
13 provided in paragraph (1) above are issued for the
14 purposes of construction by the school district of a new
15 school building pursuant to Section 17-2.11, to replace an
16 existing school building that, because of mine subsidence
17 damage, is closed as of the end of the 1992-93 school year
18 pursuant to action of the regional superintendent of
19 schools of the educational service region in which the
20 district is located under Section 3-14.22 or are issued
21 for the purpose of increasing the size of, or providing
22 for additional functions in, the new school building being
23 constructed to replace a school building closed as the
24 result of mine subsidence damage, or both such purposes.

25 (e) (Blank).

26 (f) Notwithstanding the provisions of subsection (a) of

1 this Section or of any other law, bonds in not to exceed the
2 aggregate amount of \$5,500,000 and issued by a school district
3 meeting the following criteria shall not be considered
4 indebtedness for purposes of any statutory limitation and may
5 be issued in an amount or amounts, including existing
6 indebtedness, in excess of any heretofore or hereafter imposed
7 statutory limitation as to indebtedness:

8 (1) At the time of the sale of such bonds, the board of
9 education of the district shall have determined by
10 resolution that the enrollment of students in the district
11 is projected to increase by not less than 7% during each of
12 the next succeeding 2 school years.

13 (2) The board of education shall also determine by
14 resolution that the improvements to be financed with the
15 proceeds of the bonds are needed because of the projected
16 enrollment increases.

17 (3) The board of education shall also determine by
18 resolution that the projected increases in enrollment are
19 the result of improvements made or expected to be made to
20 passenger rail facilities located in the school district.

21 Notwithstanding the provisions of subsection (a) of this
22 Section or of any other law, a school district that has availed
23 itself of the provisions of this subsection (f) prior to July
24 22, 2004 (the effective date of Public Act 93-799) may also
25 issue bonds approved by referendum up to an amount, including
26 existing indebtedness, not exceeding 25% of the equalized

1 assessed value of the taxable property in the district if all
2 of the conditions set forth in items (1), (2), and (3) of this
3 subsection (f) are met.

4 (g) Notwithstanding the provisions of subsection (a) of
5 this Section or any other law, bonds in not to exceed an
6 aggregate amount of 25% of the equalized assessed value of the
7 taxable property of a school district and issued by a school
8 district meeting the criteria in paragraphs (i) through (iv)
9 of this subsection shall not be considered indebtedness for
10 purposes of any statutory limitation and may be issued
11 pursuant to resolution of the school board in an amount or
12 amounts, including existing indebtedness, in excess of any
13 statutory limitation of indebtedness heretofore or hereafter
14 imposed:

15 (i) The bonds are issued for the purpose of
16 constructing a new high school building to replace two
17 adjacent existing buildings which together house a single
18 high school, each of which is more than 65 years old, and
19 which together are located on more than 10 acres and less
20 than 11 acres of property.

21 (ii) At the time the resolution authorizing the
22 issuance of the bonds is adopted, the cost of constructing
23 a new school building to replace the existing school
24 building is less than 60% of the cost of repairing the
25 existing school building.

26 (iii) The sale of the bonds occurs before July 1,

1 1997.

2 (iv) The school district issuing the bonds is a unit
3 school district located in a county of less than 70,000
4 and more than 50,000 inhabitants, which has an average
5 daily attendance of less than 1,500 and an equalized
6 assessed valuation of less than \$29,000,000.

7 (h) Notwithstanding any other provisions of this Section
8 or the provisions of any other law, until January 1, 1998, a
9 community unit school district maintaining grades K through 12
10 may issue bonds up to an amount, including existing
11 indebtedness, not exceeding 27.6% of the equalized assessed
12 value of the taxable property in the district, if all of the
13 following conditions are met:

14 (i) The school district has an equalized assessed
15 valuation for calendar year 1995 of less than \$24,000,000;

16 (ii) The bonds are issued for the capital improvement,
17 renovation, rehabilitation, or replacement of existing
18 school buildings of the district, all of which buildings
19 were originally constructed not less than 40 years ago;

20 (iii) The voters of the district approve a proposition
21 for the issuance of the bonds at a referendum held after
22 March 19, 1996; and

23 (iv) The bonds are issued pursuant to Sections 19-2
24 through 19-7 of this Code.

25 (i) Notwithstanding any other provisions of this Section
26 or the provisions of any other law, until January 1, 1998, a

1 community unit school district maintaining grades K through 12
2 may issue bonds up to an amount, including existing
3 indebtedness, not exceeding 27% of the equalized assessed
4 value of the taxable property in the district, if all of the
5 following conditions are met:

6 (i) The school district has an equalized assessed
7 valuation for calendar year 1995 of less than \$44,600,000;

8 (ii) The bonds are issued for the capital improvement,
9 renovation, rehabilitation, or replacement of existing
10 school buildings of the district, all of which existing
11 buildings were originally constructed not less than 80
12 years ago;

13 (iii) The voters of the district approve a proposition
14 for the issuance of the bonds at a referendum held after
15 December 31, 1996; and

16 (iv) The bonds are issued pursuant to Sections 19-2
17 through 19-7 of this Code.

18 (j) Notwithstanding any other provisions of this Section
19 or the provisions of any other law, until January 1, 1999, a
20 community unit school district maintaining grades K through 12
21 may issue bonds up to an amount, including existing
22 indebtedness, not exceeding 27% of the equalized assessed
23 value of the taxable property in the district if all of the
24 following conditions are met:

25 (i) The school district has an equalized assessed
26 valuation for calendar year 1995 of less than \$140,000,000

1 and a best 3 months average daily attendance for the
2 1995-96 school year of at least 2,800;

3 (ii) The bonds are issued to purchase a site and build
4 and equip a new high school, and the school district's
5 existing high school was originally constructed not less
6 than 35 years prior to the sale of the bonds;

7 (iii) At the time of the sale of the bonds, the board
8 of education determines by resolution that a new high
9 school is needed because of projected enrollment
10 increases;

11 (iv) At least 60% of those voting in an election held
12 after December 31, 1996 approve a proposition for the
13 issuance of the bonds; and

14 (v) The bonds are issued pursuant to Sections 19-2
15 through 19-7 of this Code.

16 (k) Notwithstanding the debt limitation prescribed in
17 subsection (a) of this Section, a school district that meets
18 all the criteria set forth in paragraphs (1) through (4) of
19 this subsection (k) may issue bonds to incur an additional
20 indebtedness in an amount not to exceed \$4,000,000 even though
21 the amount of the additional indebtedness authorized by this
22 subsection (k), when incurred and added to the aggregate
23 amount of indebtedness of the school district existing
24 immediately prior to the school district incurring such
25 additional indebtedness, causes the aggregate indebtedness of
26 the school district to exceed or increases the amount by which

1 the aggregate indebtedness of the district already exceeds the
2 debt limitation otherwise applicable to that school district
3 under subsection (a):

4 (1) the school district is located in 2 counties, and
5 a referendum to authorize the additional indebtedness was
6 approved by a majority of the voters of the school
7 district voting on the proposition to authorize that
8 indebtedness;

9 (2) the additional indebtedness is for the purpose of
10 financing a multi-purpose room addition to the existing
11 high school;

12 (3) the additional indebtedness, together with the
13 existing indebtedness of the school district, shall not
14 exceed 17.4% of the value of the taxable property in the
15 school district, to be ascertained by the last assessment
16 for State and county taxes; and

17 (4) the bonds evidencing the additional indebtedness
18 are issued, if at all, within 120 days of August 14, 1998
19 (the effective date of Public Act 90-757).

20 (1) Notwithstanding any other provisions of this Section
21 or the provisions of any other law, until January 1, 2000, a
22 school district maintaining grades kindergarten through 8 may
23 issue bonds up to an amount, including existing indebtedness,
24 not exceeding 15% of the equalized assessed value of the
25 taxable property in the district if all of the following
26 conditions are met:

1 (i) the district has an equalized assessed valuation
2 for calendar year 1996 of less than \$10,000,000;

3 (ii) the bonds are issued for capital improvement,
4 renovation, rehabilitation, or replacement of one or more
5 school buildings of the district, which buildings were
6 originally constructed not less than 70 years ago;

7 (iii) the voters of the district approve a proposition
8 for the issuance of the bonds at a referendum held on or
9 after March 17, 1998; and

10 (iv) the bonds are issued pursuant to Sections 19-2
11 through 19-7 of this Code.

12 (m) Notwithstanding any other provisions of this Section
13 or the provisions of any other law, until January 1, 1999, an
14 elementary school district maintaining grades K through 8 may
15 issue bonds up to an amount, excluding existing indebtedness,
16 not exceeding 18% of the equalized assessed value of the
17 taxable property in the district, if all of the following
18 conditions are met:

19 (i) The school district has an equalized assessed
20 valuation for calendar year 1995 or less than \$7,700,000;

21 (ii) The school district operates 2 elementary
22 attendance centers that until 1976 were operated as the
23 attendance centers of 2 separate and distinct school
24 districts;

25 (iii) The bonds are issued for the construction of a
26 new elementary school building to replace an existing

1 multi-level elementary school building of the school
2 district that is not accessible at all levels and parts of
3 which were constructed more than 75 years ago;

4 (iv) The voters of the school district approve a
5 proposition for the issuance of the bonds at a referendum
6 held after July 1, 1998; and

7 (v) The bonds are issued pursuant to Sections 19-2
8 through 19-7 of this Code.

9 (n) Notwithstanding the debt limitation prescribed in
10 subsection (a) of this Section or any other provisions of this
11 Section or of any other law, a school district that meets all
12 of the criteria set forth in paragraphs (i) through (vi) of
13 this subsection (n) may incur additional indebtedness by the
14 issuance of bonds in an amount not exceeding the amount
15 certified by the Capital Development Board to the school
16 district as provided in paragraph (iii) of this subsection
17 (n), even though the amount of the additional indebtedness so
18 authorized, when incurred and added to the aggregate amount of
19 indebtedness of the district existing immediately prior to the
20 district incurring the additional indebtedness authorized by
21 this subsection (n), causes the aggregate indebtedness of the
22 district to exceed the debt limitation otherwise applicable by
23 law to that district:

24 (i) The school district applies to the State Board of
25 Education for a school construction project grant and
26 submits a district facilities plan in support of its

1 application pursuant to Section 5-20 of the School
2 Construction Law.

3 (ii) The school district's application and facilities
4 plan are approved by, and the district receives a grant
5 entitlement for a school construction project issued by,
6 the State Board of Education under the School Construction
7 Law.

8 (iii) The school district has exhausted its bonding
9 capacity or the unused bonding capacity of the district is
10 less than the amount certified by the Capital Development
11 Board to the district under Section 5-15 of the School
12 Construction Law as the dollar amount of the school
13 construction project's cost that the district will be
14 required to finance with non-grant funds in order to
15 receive a school construction project grant under the
16 School Construction Law.

17 (iv) The bonds are issued for a "school construction
18 project", as that term is defined in Section 5-5 of the
19 School Construction Law, in an amount that does not exceed
20 the dollar amount certified, as provided in paragraph
21 (iii) of this subsection (n), by the Capital Development
22 Board to the school district under Section 5-15 of the
23 School Construction Law.

24 (v) The voters of the district approve a proposition
25 for the issuance of the bonds at a referendum held after
26 the criteria specified in paragraphs (i) and (iii) of this

1 subsection (n) are met.

2 (vi) The bonds are issued pursuant to Sections 19-2
3 through 19-7 of the School Code.

4 (o) Notwithstanding any other provisions of this Section
5 or the provisions of any other law, until November 1, 2007, a
6 community unit school district maintaining grades K through 12
7 may issue bonds up to an amount, including existing
8 indebtedness, not exceeding 20% of the equalized assessed
9 value of the taxable property in the district if all of the
10 following conditions are met:

11 (i) the school district has an equalized assessed
12 valuation for calendar year 2001 of at least \$737,000,000
13 and an enrollment for the 2002-2003 school year of at
14 least 8,500;

15 (ii) the bonds are issued to purchase school sites,
16 build and equip a new high school, build and equip a new
17 junior high school, build and equip 5 new elementary
18 schools, and make technology and other improvements and
19 additions to existing schools;

20 (iii) at the time of the sale of the bonds, the board
21 of education determines by resolution that the sites and
22 new or improved facilities are needed because of projected
23 enrollment increases;

24 (iv) at least 57% of those voting in a general
25 election held prior to January 1, 2003 approved a
26 proposition for the issuance of the bonds; and

1 (v) the bonds are issued pursuant to Sections 19-2
2 through 19-7 of this Code.

3 (p) Notwithstanding any other provisions of this Section
4 or the provisions of any other law, a community unit school
5 district maintaining grades K through 12 may issue bonds up to
6 an amount, including indebtedness, not exceeding 27% of the
7 equalized assessed value of the taxable property in the
8 district if all of the following conditions are met:

9 (i) The school district has an equalized assessed
10 valuation for calendar year 2001 of at least \$295,741,187
11 and a best 3 months' average daily attendance for the
12 2002-2003 school year of at least 2,394.

13 (ii) The bonds are issued to build and equip 3
14 elementary school buildings; build and equip one middle
15 school building; and alter, repair, improve, and equip all
16 existing school buildings in the district.

17 (iii) At the time of the sale of the bonds, the board
18 of education determines by resolution that the project is
19 needed because of expanding growth in the school district
20 and a projected enrollment increase.

21 (iv) The bonds are issued pursuant to Sections 19-2
22 through 19-7 of this Code.

23 (p-5) Notwithstanding any other provisions of this Section
24 or the provisions of any other law, bonds issued by a community
25 unit school district maintaining grades K through 12 shall not
26 be considered indebtedness for purposes of any statutory

1 limitation and may be issued in an amount or amounts,
2 including existing indebtedness, in excess of any heretofore
3 or hereafter imposed statutory limitation as to indebtedness,
4 if all of the following conditions are met:

5 (i) For each of the 4 most recent years, residential
6 property comprises more than 80% of the equalized assessed
7 valuation of the district.

8 (ii) At least 2 school buildings that were constructed
9 40 or more years prior to the issuance of the bonds will be
10 demolished and will be replaced by new buildings or
11 additions to one or more existing buildings.

12 (iii) Voters of the district approve a proposition for
13 the issuance of the bonds at a regularly scheduled
14 election.

15 (iv) At the time of the sale of the bonds, the school
16 board determines by resolution that the new buildings or
17 building additions are needed because of an increase in
18 enrollment projected by the school board.

19 (v) The principal amount of the bonds, including
20 existing indebtedness, does not exceed 25% of the
21 equalized assessed value of the taxable property in the
22 district.

23 (vi) The bonds are issued prior to January 1, 2007,
24 pursuant to Sections 19-2 through 19-7 of this Code.

25 (p-10) Notwithstanding any other provisions of this
26 Section or the provisions of any other law, bonds issued by a

1 community consolidated school district maintaining grades K
2 through 8 shall not be considered indebtedness for purposes of
3 any statutory limitation and may be issued in an amount or
4 amounts, including existing indebtedness, in excess of any
5 heretofore or hereafter imposed statutory limitation as to
6 indebtedness, if all of the following conditions are met:

7 (i) For each of the 4 most recent years, residential
8 and farm property comprises more than 80% of the equalized
9 assessed valuation of the district.

10 (ii) The bond proceeds are to be used to acquire and
11 improve school sites and build and equip a school
12 building.

13 (iii) Voters of the district approve a proposition for
14 the issuance of the bonds at a regularly scheduled
15 election.

16 (iv) At the time of the sale of the bonds, the school
17 board determines by resolution that the school sites and
18 building additions are needed because of an increase in
19 enrollment projected by the school board.

20 (v) The principal amount of the bonds, including
21 existing indebtedness, does not exceed 20% of the
22 equalized assessed value of the taxable property in the
23 district.

24 (vi) The bonds are issued prior to January 1, 2007,
25 pursuant to Sections 19-2 through 19-7 of this Code.

26 (p-15) In addition to all other authority to issue bonds,

1 the Oswego Community Unit School District Number 308 may issue
2 bonds with an aggregate principal amount not to exceed
3 \$450,000,000, but only if all of the following conditions are
4 met:

5 (i) The voters of the district have approved a
6 proposition for the bond issue at the general election
7 held on November 7, 2006.

8 (ii) At the time of the sale of the bonds, the school
9 board determines, by resolution, that: (A) the building
10 and equipping of the new high school building, new junior
11 high school buildings, new elementary school buildings,
12 early childhood building, maintenance building,
13 transportation facility, and additions to existing school
14 buildings, the altering, repairing, equipping, and
15 provision of technology improvements to existing school
16 buildings, and the acquisition and improvement of school
17 sites, as the case may be, are required as a result of a
18 projected increase in the enrollment of students in the
19 district; and (B) the sale of bonds for these purposes is
20 authorized by legislation that exempts the debt incurred
21 on the bonds from the district's statutory debt
22 limitation.

23 (iii) The bonds are issued, in one or more bond
24 issues, on or before November 7, 2011, but the aggregate
25 principal amount issued in all such bond issues combined
26 must not exceed \$450,000,000.

1 (iv) The bonds are issued in accordance with this
2 Article 19.

3 (v) The proceeds of the bonds are used only to
4 accomplish those projects approved by the voters at the
5 general election held on November 7, 2006.

6 The debt incurred on any bonds issued under this subsection
7 (p-15) shall not be considered indebtedness for purposes of
8 any statutory debt limitation.

9 (p-20) In addition to all other authority to issue bonds,
10 the Lincoln-Way Community High School District Number 210 may
11 issue bonds with an aggregate principal amount not to exceed
12 \$225,000,000, but only if all of the following conditions are
13 met:

14 (i) The voters of the district have approved a
15 proposition for the bond issue at the general primary
16 election held on March 21, 2006.

17 (ii) At the time of the sale of the bonds, the school
18 board determines, by resolution, that: (A) the building
19 and equipping of the new high school buildings, the
20 altering, repairing, and equipping of existing school
21 buildings, and the improvement of school sites, as the
22 case may be, are required as a result of a projected
23 increase in the enrollment of students in the district;
24 and (B) the sale of bonds for these purposes is authorized
25 by legislation that exempts the debt incurred on the bonds
26 from the district's statutory debt limitation.

1 (iii) The bonds are issued, in one or more bond
2 issues, on or before March 21, 2011, but the aggregate
3 principal amount issued in all such bond issues combined
4 must not exceed \$225,000,000.

5 (iv) The bonds are issued in accordance with this
6 Article 19.

7 (v) The proceeds of the bonds are used only to
8 accomplish those projects approved by the voters at the
9 primary election held on March 21, 2006.

10 The debt incurred on any bonds issued under this subsection
11 (p-20) shall not be considered indebtedness for purposes of
12 any statutory debt limitation.

13 (p-25) In addition to all other authority to issue bonds,
14 Rochester Community Unit School District 3A may issue bonds
15 with an aggregate principal amount not to exceed \$18,500,000,
16 but only if all of the following conditions are met:

17 (i) The voters of the district approve a proposition
18 for the bond issuance at the general primary election held
19 in 2008.

20 (ii) At the time of the sale of the bonds, the school
21 board determines, by resolution, that: (A) the building
22 and equipping of a new high school building; the addition
23 of classrooms and support facilities at the high school,
24 middle school, and elementary school; the altering,
25 repairing, and equipping of existing school buildings; and
26 the improvement of school sites, as the case may be, are

1 required as a result of a projected increase in the
2 enrollment of students in the district; and (B) the sale
3 of bonds for these purposes is authorized by a law that
4 exempts the debt incurred on the bonds from the district's
5 statutory debt limitation.

6 (iii) The bonds are issued, in one or more bond
7 issues, on or before December 31, 2012, but the aggregate
8 principal amount issued in all such bond issues combined
9 must not exceed \$18,500,000.

10 (iv) The bonds are issued in accordance with this
11 Article 19.

12 (v) The proceeds of the bonds are used to accomplish
13 only those projects approved by the voters at the primary
14 election held in 2008.

15 The debt incurred on any bonds issued under this subsection
16 (p-25) shall not be considered indebtedness for purposes of
17 any statutory debt limitation.

18 (p-30) In addition to all other authority to issue bonds,
19 Prairie Grove Consolidated School District 46 may issue bonds
20 with an aggregate principal amount not to exceed \$30,000,000,
21 but only if all of the following conditions are met:

22 (i) The voters of the district approve a proposition
23 for the bond issuance at an election held in 2008.

24 (ii) At the time of the sale of the bonds, the school
25 board determines, by resolution, that (A) the building and
26 equipping of a new school building and additions to

1 existing school buildings are required as a result of a
2 projected increase in the enrollment of students in the
3 district and (B) the altering, repairing, and equipping of
4 existing school buildings are required because of the age
5 of the existing school buildings.

6 (iii) The bonds are issued, in one or more bond
7 issuances, on or before December 31, 2012; however, the
8 aggregate principal amount issued in all such bond
9 issuances combined must not exceed \$30,000,000.

10 (iv) The bonds are issued in accordance with this
11 Article.

12 (v) The proceeds of the bonds are used to accomplish
13 only those projects approved by the voters at an election
14 held in 2008.

15 The debt incurred on any bonds issued under this subsection
16 (p-30) shall not be considered indebtedness for purposes of
17 any statutory debt limitation.

18 (p-35) In addition to all other authority to issue bonds,
19 Prairie Hill Community Consolidated School District 133 may
20 issue bonds with an aggregate principal amount not to exceed
21 \$13,900,000, but only if all of the following conditions are
22 met:

23 (i) The voters of the district approved a proposition
24 for the bond issuance at an election held on April 17,
25 2007.

26 (ii) At the time of the sale of the bonds, the school

1 board determines, by resolution, that (A) the improvement
2 of the site of and the building and equipping of a school
3 building are required as a result of a projected increase
4 in the enrollment of students in the district and (B) the
5 repairing and equipping of the Prairie Hill Elementary
6 School building is required because of the age of that
7 school building.

8 (iii) The bonds are issued, in one or more bond
9 issuances, on or before December 31, 2011, but the
10 aggregate principal amount issued in all such bond
11 issuances combined must not exceed \$13,900,000.

12 (iv) The bonds are issued in accordance with this
13 Article.

14 (v) The proceeds of the bonds are used to accomplish
15 only those projects approved by the voters at an election
16 held on April 17, 2007.

17 The debt incurred on any bonds issued under this subsection
18 (p-35) shall not be considered indebtedness for purposes of
19 any statutory debt limitation.

20 (p-40) In addition to all other authority to issue bonds,
21 Mascoutah Community Unit District 19 may issue bonds with an
22 aggregate principal amount not to exceed \$55,000,000, but only
23 if all of the following conditions are met:

24 (1) The voters of the district approve a proposition
25 for the bond issuance at a regular election held on or
26 after November 4, 2008.

1 (2) At the time of the sale of the bonds, the school
2 board determines, by resolution, that (i) the building and
3 equipping of a new high school building is required as a
4 result of a projected increase in the enrollment of
5 students in the district and the age and condition of the
6 existing high school building, (ii) the existing high
7 school building will be demolished, and (iii) the sale of
8 bonds is authorized by statute that exempts the debt
9 incurred on the bonds from the district's statutory debt
10 limitation.

11 (3) The bonds are issued, in one or more bond
12 issuances, on or before December 31, 2011, but the
13 aggregate principal amount issued in all such bond
14 issuances combined must not exceed \$55,000,000.

15 (4) The bonds are issued in accordance with this
16 Article.

17 (5) The proceeds of the bonds are used to accomplish
18 only those projects approved by the voters at a regular
19 election held on or after November 4, 2008.

20 The debt incurred on any bonds issued under this
21 subsection (p-40) shall not be considered indebtedness for
22 purposes of any statutory debt limitation.

23 (p-45) Notwithstanding the provisions of subsection (a) of
24 this Section or of any other law, bonds issued pursuant to
25 Section 19-3.5 of this Code shall not be considered
26 indebtedness for purposes of any statutory limitation if the

1 bonds are issued in an amount or amounts, including existing
2 indebtedness of the school district, not in excess of 18.5% of
3 the value of the taxable property in the district to be
4 ascertained by the last assessment for State and county taxes.

5 (p-50) Notwithstanding the provisions of subsection (a) of
6 this Section or of any other law, bonds issued pursuant to
7 Section 19-3.10 of this Code shall not be considered
8 indebtedness for purposes of any statutory limitation if the
9 bonds are issued in an amount or amounts, including existing
10 indebtedness of the school district, not in excess of 43% of
11 the value of the taxable property in the district to be
12 ascertained by the last assessment for State and county taxes.

13 (p-55) In addition to all other authority to issue bonds,
14 Belle Valley School District 119 may issue bonds with an
15 aggregate principal amount not to exceed \$47,500,000, but only
16 if all of the following conditions are met:

17 (1) The voters of the district approve a proposition
18 for the bond issuance at an election held on or after April
19 7, 2009.

20 (2) Prior to the issuance of the bonds, the school
21 board determines, by resolution, that (i) the building and
22 equipping of a new school building is required as a result
23 of mine subsidence in an existing school building and
24 because of the age and condition of another existing
25 school building and (ii) the issuance of bonds is
26 authorized by statute that exempts the debt incurred on

1 the bonds from the district's statutory debt limitation.

2 (3) The bonds are issued, in one or more bond
3 issuances, on or before March 31, 2014, but the aggregate
4 principal amount issued in all such bond issuances
5 combined must not exceed \$47,500,000.

6 (4) The bonds are issued in accordance with this
7 Article.

8 (5) The proceeds of the bonds are used to accomplish
9 only those projects approved by the voters at an election
10 held on or after April 7, 2009.

11 The debt incurred on any bonds issued under this
12 subsection (p-55) shall not be considered indebtedness for
13 purposes of any statutory debt limitation. Bonds issued under
14 this subsection (p-55) must mature within not to exceed 30
15 years from their date, notwithstanding any other law to the
16 contrary.

17 (p-60) In addition to all other authority to issue bonds,
18 Wilmington Community Unit School District Number 209-U may
19 issue bonds with an aggregate principal amount not to exceed
20 \$2,285,000, but only if all of the following conditions are
21 met:

22 (1) The proceeds of the bonds are used to accomplish
23 only those projects approved by the voters at the general
24 primary election held on March 21, 2006.

25 (2) Prior to the issuance of the bonds, the school
26 board determines, by resolution, that (i) the projects

1 approved by the voters were and are required because of
2 the age and condition of the school district's prior and
3 existing school buildings and (ii) the issuance of the
4 bonds is authorized by legislation that exempts the debt
5 incurred on the bonds from the district's statutory debt
6 limitation.

7 (3) The bonds are issued in one or more bond issuances
8 on or before March 1, 2011, but the aggregate principal
9 amount issued in all those bond issuances combined must
10 not exceed \$2,285,000.

11 (4) The bonds are issued in accordance with this
12 Article.

13 The debt incurred on any bonds issued under this
14 subsection (p-60) shall not be considered indebtedness for
15 purposes of any statutory debt limitation.

16 (p-65) In addition to all other authority to issue bonds,
17 West Washington County Community Unit School District 10 may
18 issue bonds with an aggregate principal amount not to exceed
19 \$32,200,000 and maturing over a period not exceeding 25 years,
20 but only if all of the following conditions are met:

21 (1) The voters of the district approve a proposition
22 for the bond issuance at an election held on or after
23 February 2, 2010.

24 (2) Prior to the issuance of the bonds, the school
25 board determines, by resolution, that (A) all or a portion
26 of the existing Okawville Junior/Senior High School

1 Building will be demolished; (B) the building and
2 equipping of a new school building to be attached to and
3 the alteration, repair, and equipping of the remaining
4 portion of the Okawville Junior/Senior High School
5 Building is required because of the age and current
6 condition of that school building; and (C) the issuance of
7 bonds is authorized by a statute that exempts the debt
8 incurred on the bonds from the district's statutory debt
9 limitation.

10 (3) The bonds are issued, in one or more bond
11 issuances, on or before March 31, 2014, but the aggregate
12 principal amount issued in all such bond issuances
13 combined must not exceed \$32,200,000.

14 (4) The bonds are issued in accordance with this
15 Article.

16 (5) The proceeds of the bonds are used to accomplish
17 only those projects approved by the voters at an election
18 held on or after February 2, 2010.

19 The debt incurred on any bonds issued under this
20 subsection (p-65) shall not be considered indebtedness for
21 purposes of any statutory debt limitation.

22 (p-70) In addition to all other authority to issue bonds,
23 Cahokia Community Unit School District 187 may issue bonds
24 with an aggregate principal amount not to exceed \$50,000,000,
25 but only if all the following conditions are met:

26 (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after
2 November 2, 2010.

3 (2) Prior to the issuance of the bonds, the school
4 board determines, by resolution, that (i) the building and
5 equipping of a new school building is required as a result
6 of the age and condition of an existing school building
7 and (ii) the issuance of bonds is authorized by a statute
8 that exempts the debt incurred on the bonds from the
9 district's statutory debt limitation.

10 (3) The bonds are issued, in one or more issuances, on
11 or before July 1, 2016, but the aggregate principal amount
12 issued in all such bond issuances combined must not exceed
13 \$50,000,000.

14 (4) The bonds are issued in accordance with this
15 Article.

16 (5) The proceeds of the bonds are used to accomplish
17 only those projects approved by the voters at an election
18 held on or after November 2, 2010.

19 The debt incurred on any bonds issued under this
20 subsection (p-70) shall not be considered indebtedness for
21 purposes of any statutory debt limitation. Bonds issued under
22 this subsection (p-70) must mature within not to exceed 25
23 years from their date, notwithstanding any other law,
24 including Section 19-3 of this Code, to the contrary.

25 (p-75) Notwithstanding the debt limitation prescribed in
26 subsection (a) of this Section or any other provisions of this

1 Section or of any other law, the execution of leases on or
2 after January 1, 2007 and before July 1, 2011 by the Board of
3 Education of Peoria School District 150 with a public building
4 commission for leases entered into pursuant to the Public
5 Building Commission Act shall not be considered indebtedness
6 for purposes of any statutory debt limitation.

7 This subsection (p-75) applies only if the State Board of
8 Education or the Capital Development Board makes one or more
9 grants to Peoria School District 150 pursuant to the School
10 Construction Law. The amount exempted from the debt limitation
11 as prescribed in this subsection (p-75) shall be no greater
12 than the amount of one or more grants awarded to Peoria School
13 District 150 by the State Board of Education or the Capital
14 Development Board.

15 (p-80) In addition to all other authority to issue bonds,
16 Ridgeland School District 122 may issue bonds with an
17 aggregate principal amount not to exceed \$50,000,000 for the
18 purpose of refunding or continuing to refund bonds originally
19 issued pursuant to voter approval at the general election held
20 on November 7, 2000, and the debt incurred on any bonds issued
21 under this subsection (p-80) shall not be considered
22 indebtedness for purposes of any statutory debt limitation.
23 Bonds issued under this subsection (p-80) may be issued in one
24 or more issuances and must mature within not to exceed 25 years
25 from their date, notwithstanding any other law, including
26 Section 19-3 of this Code, to the contrary.

1 (p-85) In addition to all other authority to issue bonds,
2 Hall High School District 502 may issue bonds with an
3 aggregate principal amount not to exceed \$32,000,000, but only
4 if all the following conditions are met:

5 (1) The voters of the district approve a proposition
6 for the bond issuance at an election held on or after April
7 9, 2013.

8 (2) Prior to the issuance of the bonds, the school
9 board determines, by resolution, that (i) the building and
10 equipping of a new school building is required as a result
11 of the age and condition of an existing school building,
12 (ii) the existing school building should be demolished in
13 its entirety or the existing school building should be
14 demolished except for the 1914 west wing of the building,
15 and (iii) the issuance of bonds is authorized by a statute
16 that exempts the debt incurred on the bonds from the
17 district's statutory debt limitation.

18 (3) The bonds are issued, in one or more issuances,
19 not later than 5 years after the date of the referendum
20 approving the issuance of the bonds, but the aggregate
21 principal amount issued in all such bond issuances
22 combined must not exceed \$32,000,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 (5) The proceeds of the bonds are used to accomplish
26 only those projects approved by the voters at an election

1 held on or after April 9, 2013.

2 The debt incurred on any bonds issued under this
3 subsection (p-85) shall not be considered indebtedness for
4 purposes of any statutory debt limitation. Bonds issued under
5 this subsection (p-85) must mature within not to exceed 30
6 years from their date, notwithstanding any other law,
7 including Section 19-3 of this Code, to the contrary.

8 (p-90) In addition to all other authority to issue bonds,
9 Lebanon Community Unit School District 9 may issue bonds with
10 an aggregate principal amount not to exceed \$7,500,000, but
11 only if all of the following conditions are met:

12 (1) The voters of the district approved a proposition
13 for the bond issuance at the general primary election on
14 February 2, 2010.

15 (2) At or prior to the time of the sale of the bonds,
16 the school board determines, by resolution, that (i) the
17 building and equipping of a new elementary school building
18 is required as a result of a projected increase in the
19 enrollment of students in the district and the age and
20 condition of the existing Lebanon Elementary School
21 building, (ii) a portion of the existing Lebanon
22 Elementary School building will be demolished and the
23 remaining portion will be altered, repaired, and equipped,
24 and (iii) the sale of bonds is authorized by a statute that
25 exempts the debt incurred on the bonds from the district's
26 statutory debt limitation.

1 (3) The bonds are issued, in one or more bond
2 issuances, on or before April 1, 2014, but the aggregate
3 principal amount issued in all such bond issuances
4 combined must not exceed \$7,500,000.

5 (4) The bonds are issued in accordance with this
6 Article.

7 (5) The proceeds of the bonds are used to accomplish
8 only those projects approved by the voters at the general
9 primary election held on February 2, 2010.

10 The debt incurred on any bonds issued under this
11 subsection (p-90) shall not be considered indebtedness for
12 purposes of any statutory debt limitation.

13 (p-95) In addition to all other authority to issue bonds,
14 Monticello Community Unit School District 25 may issue bonds
15 with an aggregate principal amount not to exceed \$35,000,000,
16 but only if all of the following conditions are met:

17 (1) The voters of the district approve a proposition
18 for the bond issuance at an election held on or after
19 November 4, 2014.

20 (2) Prior to the issuance of the bonds, the school
21 board determines, by resolution, that (i) the building and
22 equipping of a new school building is required as a result
23 of the age and condition of an existing school building
24 and (ii) the issuance of bonds is authorized by a statute
25 that exempts the debt incurred on the bonds from the
26 district's statutory debt limitation.

1 (3) The bonds are issued, in one or more issuances, on
2 or before July 1, 2020, but the aggregate principal amount
3 issued in all such bond issuances combined must not exceed
4 \$35,000,000.

5 (4) The bonds are issued in accordance with this
6 Article.

7 (5) The proceeds of the bonds are used to accomplish
8 only those projects approved by the voters at an election
9 held on or after November 4, 2014.

10 The debt incurred on any bonds issued under this
11 subsection (p-95) shall not be considered indebtedness for
12 purposes of any statutory debt limitation. Bonds issued under
13 this subsection (p-95) must mature within not to exceed 25
14 years from their date, notwithstanding any other law,
15 including Section 19-3 of this Code, to the contrary.

16 (p-100) In addition to all other authority to issue bonds,
17 the community unit school district created in the territory
18 comprising Milford Community Consolidated School District 280
19 and Milford Township High School District 233, as approved at
20 the general primary election held on March 18, 2014, may issue
21 bonds with an aggregate principal amount not to exceed
22 \$17,500,000, but only if all the following conditions are met:

23 (1) The voters of the district approve a proposition
24 for the bond issuance at an election held on or after
25 November 4, 2014.

26 (2) Prior to the issuance of the bonds, the school

1 board determines, by resolution, that (i) the building and
2 equipping of a new school building is required as a result
3 of the age and condition of an existing school building
4 and (ii) the issuance of bonds is authorized by a statute
5 that exempts the debt incurred on the bonds from the
6 district's statutory debt limitation.

7 (3) The bonds are issued, in one or more issuances, on
8 or before July 1, 2020, but the aggregate principal amount
9 issued in all such bond issuances combined must not exceed
10 \$17,500,000.

11 (4) The bonds are issued in accordance with this
12 Article.

13 (5) The proceeds of the bonds are used to accomplish
14 only those projects approved by the voters at an election
15 held on or after November 4, 2014.

16 The debt incurred on any bonds issued under this
17 subsection (p-100) shall not be considered indebtedness for
18 purposes of any statutory debt limitation. Bonds issued under
19 this subsection (p-100) must mature within not to exceed 25
20 years from their date, notwithstanding any other law,
21 including Section 19-3 of this Code, to the contrary.

22 (p-105) In addition to all other authority to issue bonds,
23 North Shore School District 112 may issue bonds with an
24 aggregate principal amount not to exceed \$150,000,000, but
25 only if all of the following conditions are met:

26 (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after March
2 15, 2016.

3 (2) Prior to the issuance of the bonds, the school
4 board determines, by resolution, that (i) the building and
5 equipping of new buildings and improving the sites thereof
6 and the building and equipping of additions to, altering,
7 repairing, equipping, and renovating existing buildings
8 and improving the sites thereof are required as a result
9 of the age and condition of the district's existing
10 buildings and (ii) the issuance of bonds is authorized by
11 a statute that exempts the debt incurred on the bonds from
12 the district's statutory debt limitation.

13 (3) The bonds are issued, in one or more issuances,
14 not later than 5 years after the date of the referendum
15 approving the issuance of the bonds, but the aggregate
16 principal amount issued in all such bond issuances
17 combined must not exceed \$150,000,000.

18 (4) The bonds are issued in accordance with this
19 Article.

20 (5) The proceeds of the bonds are used to accomplish
21 only those projects approved by the voters at an election
22 held on or after March 15, 2016.

23 The debt incurred on any bonds issued under this
24 subsection (p-105) and on any bonds issued to refund or
25 continue to refund such bonds shall not be considered
26 indebtedness for purposes of any statutory debt limitation.

1 Bonds issued under this subsection (p-105) and any bonds
2 issued to refund or continue to refund such bonds must mature
3 within not to exceed 30 years from their date, notwithstanding
4 any other law, including Section 19-3 of this Code, to the
5 contrary.

6 (p-110) In addition to all other authority to issue bonds,
7 Sandoval Community Unit School District 501 may issue bonds
8 with an aggregate principal amount not to exceed \$2,000,000,
9 but only if all of the following conditions are met:

10 (1) The voters of the district approved a proposition
11 for the bond issuance at an election held on March 20,
12 2012.

13 (2) Prior to the issuance of the bonds, the school
14 board determines, by resolution, that (i) the building and
15 equipping of a new school building is required because of
16 the age and current condition of the Sandoval Elementary
17 School building and (ii) the issuance of bonds is
18 authorized by a statute that exempts the debt incurred on
19 the bonds from the district's statutory debt limitation.

20 (3) The bonds are issued, in one or more bond
21 issuances, on or before March 19, 2022, but the aggregate
22 principal amount issued in all such bond issuances
23 combined must not exceed \$2,000,000.

24 (4) The bonds are issued in accordance with this
25 Article.

26 (5) The proceeds of the bonds are used to accomplish

1 only those projects approved by the voters at the election
2 held on March 20, 2012.

3 The debt incurred on any bonds issued under this
4 subsection (p-110) and on any bonds issued to refund or
5 continue to refund the bonds shall not be considered
6 indebtedness for purposes of any statutory debt limitation.

7 (p-115) In addition to all other authority to issue bonds,
8 Bureau Valley Community Unit School District 340 may issue
9 bonds with an aggregate principal amount not to exceed
10 \$25,000,000, but only if all of the following conditions are
11 met:

12 (1) The voters of the district approve a proposition
13 for the bond issuance at an election held on or after March
14 15, 2016.

15 (2) Prior to the issuances of the bonds, the school
16 board determines, by resolution, that (i) the renovating
17 and equipping of some existing school buildings, the
18 building and equipping of new school buildings, and the
19 demolishing of some existing school buildings are required
20 as a result of the age and condition of existing school
21 buildings and (ii) the issuance of bonds is authorized by
22 a statute that exempts the debt incurred on the bonds from
23 the district's statutory debt limitation.

24 (3) The bonds are issued, in one or more issuances, on
25 or before July 1, 2021, but the aggregate principal amount
26 issued in all such bond issuances combined must not exceed

1 \$25,000,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only those projects approved by the voters at an election
6 held on or after March 15, 2016.

7 The debt incurred on any bonds issued under this
8 subsection (p-115) shall not be considered indebtedness for
9 purposes of any statutory debt limitation. Bonds issued under
10 this subsection (p-115) must mature within not to exceed 30
11 years from their date, notwithstanding any other law,
12 including Section 19-3 of this Code, to the contrary.

13 (p-120) In addition to all other authority to issue bonds,
14 Paxton-Buckley-Loda Community Unit School District 10 may
15 issue bonds with an aggregate principal amount not to exceed
16 \$28,500,000, but only if all the following conditions are met:

17 (1) The voters of the district approve a proposition
18 for the bond issuance at an election held on or after
19 November 8, 2016.

20 (2) Prior to the issuance of the bonds, the school
21 board determines, by resolution, that (i) the projects as
22 described in said proposition, relating to the building
23 and equipping of one or more school buildings or additions
24 to existing school buildings, are required as a result of
25 the age and condition of the District's existing buildings
26 and (ii) the issuance of bonds is authorized by a statute

1 that exempts the debt incurred on the bonds from the
2 district's statutory debt limitation.

3 (3) The bonds are issued, in one or more issuances,
4 not later than 5 years after the date of the referendum
5 approving the issuance of the bonds, but the aggregate
6 principal amount issued in all such bond issuances
7 combined must not exceed \$28,500,000.

8 (4) The bonds are issued in accordance with this
9 Article.

10 (5) The proceeds of the bonds are used to accomplish
11 only those projects approved by the voters at an election
12 held on or after November 8, 2016.

13 The debt incurred on any bonds issued under this
14 subsection (p-120) and on any bonds issued to refund or
15 continue to refund such bonds shall not be considered
16 indebtedness for purposes of any statutory debt limitation.
17 Bonds issued under this subsection (p-120) and any bonds
18 issued to refund or continue to refund such bonds must mature
19 within not to exceed 25 years from their date, notwithstanding
20 any other law, including Section 19-3 of this Code, to the
21 contrary.

22 (p-125) In addition to all other authority to issue bonds,
23 Hillsboro Community Unit School District 3 may issue bonds
24 with an aggregate principal amount not to exceed \$34,500,000,
25 but only if all the following conditions are met:

26 (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after March
2 15, 2016.

3 (2) Prior to the issuance of the bonds, the school
4 board determines, by resolution, that (i) altering,
5 repairing, and equipping the high school
6 agricultural/vocational building, demolishing the high
7 school main, cafeteria, and gym buildings, building and
8 equipping a school building, and improving sites are
9 required as a result of the age and condition of the
10 district's existing buildings and (ii) the issuance of
11 bonds is authorized by a statute that exempts the debt
12 incurred on the bonds from the district's statutory debt
13 limitation.

14 (3) The bonds are issued, in one or more issuances,
15 not later than 5 years after the date of the referendum
16 approving the issuance of the bonds, but the aggregate
17 principal amount issued in all such bond issuances
18 combined must not exceed \$34,500,000.

19 (4) The bonds are issued in accordance with this
20 Article.

21 (5) The proceeds of the bonds are used to accomplish
22 only those projects approved by the voters at an election
23 held on or after March 15, 2016.

24 The debt incurred on any bonds issued under this
25 subsection (p-125) and on any bonds issued to refund or
26 continue to refund such bonds shall not be considered

1 indebtedness for purposes of any statutory debt limitation.
2 Bonds issued under this subsection (p-125) and any bonds
3 issued to refund or continue to refund such bonds must mature
4 within not to exceed 25 years from their date, notwithstanding
5 any other law, including Section 19-3 of this Code, to the
6 contrary.

7 (p-130) In addition to all other authority to issue bonds,
8 Waltham Community Consolidated School District 185 may incur
9 indebtedness in an aggregate principal amount not to exceed
10 \$9,500,000 to build and equip a new school building and
11 improve the site thereof, but only if all the following
12 conditions are met:

13 (1) A majority of the voters of the district voting on
14 an advisory question voted in favor of the question
15 regarding the use of funding sources to build a new school
16 building without increasing property tax rates at the
17 general election held on November 8, 2016.

18 (2) Prior to incurring the debt, the school board
19 enters into intergovernmental agreements with the City of
20 LaSalle to pledge moneys in a special tax allocation fund
21 associated with tax increment financing districts LaSalle
22 I and LaSalle III and with the Village of Utica to pledge
23 moneys in a special tax allocation fund associated with
24 tax increment financing district Utica I for the purposes
25 of repaying the debt issued pursuant to this subsection
26 (p-130). Notwithstanding any other provision of law to the

1 contrary, the intergovernmental agreement may extend these
2 tax increment financing districts as necessary to ensure
3 repayment of the debt.

4 (3) Prior to incurring the debt, the school board
5 determines, by resolution, that (i) the building and
6 equipping of a new school building is required as a result
7 of the age and condition of the district's existing
8 buildings and (ii) the debt is authorized by a statute
9 that exempts the debt from the district's statutory debt
10 limitation.

11 (4) The debt is incurred, in one or more issuances,
12 not later than January 1, 2021, and the aggregate
13 principal amount of debt issued in all such issuances
14 combined must not exceed \$9,500,000.

15 The debt incurred under this subsection (p-130) and on any
16 bonds issued to pay, refund, or continue to refund such debt
17 shall not be considered indebtedness for purposes of any
18 statutory debt limitation. Debt issued under this subsection
19 (p-130) and any bonds issued to pay, refund, or continue to
20 refund such debt must mature within not to exceed 25 years from
21 their date, notwithstanding any other law, including Section
22 19-11 of this Code and subsection (b) of Section 17 of the
23 Local Government Debt Reform Act, to the contrary.

24 (p-133) Notwithstanding the provisions of subsection (a)
25 of this Section or of any other law, bonds heretofore or
26 hereafter issued by East Prairie School District 73 with an

1 aggregate principal amount not to exceed \$47,353,147 and
2 approved by the voters of the district at the general election
3 held on November 8, 2016, and any bonds issued to refund or
4 continue to refund the bonds, shall not be considered
5 indebtedness for the purposes of any statutory debt limitation
6 and may mature within not to exceed 25 years from their date,
7 notwithstanding any other law, including Section 19-3 of this
8 Code, to the contrary.

9 (p-135) In addition to all other authority to issue bonds,
10 Brookfield LaGrange Park School District Number 95 may issue
11 bonds with an aggregate principal amount not to exceed
12 \$20,000,000, but only if all the following conditions are met:

13 (1) The voters of the district approve a proposition
14 for the bond issuance at an election held on or after April
15 4, 2017.

16 (2) Prior to the issuance of the bonds, the school
17 board determines, by resolution, that (i) the additions
18 and renovations to the Brook Park Elementary and S. E.
19 Gross Middle School buildings are required to accommodate
20 enrollment growth, replace outdated facilities, and create
21 spaces consistent with 21st century learning and (ii) the
22 issuance of the bonds is authorized by a statute that
23 exempts the debt incurred on the bonds from the district's
24 statutory debt limitation.

25 (3) The bonds are issued, in one or more issuances,
26 not later than 5 years after the date of the referendum

1 approving the issuance of the bonds, but the aggregate
2 principal amount issued in all such bond issuances
3 combined must not exceed \$20,000,000.

4 (4) The bonds are issued in accordance with this
5 Article.

6 (5) The proceeds of the bonds are used to accomplish
7 only those projects approved by the voters at an election
8 held on or after April 4, 2017.

9 The debt incurred on any bonds issued under this
10 subsection (p-135) and on any bonds issued to refund or
11 continue to refund such bonds shall not be considered
12 indebtedness for purposes of any statutory debt limitation.

13 (p-140) The debt incurred on any bonds issued by Wolf
14 Branch School District 113 under Section 17-2.11 of this Code
15 for the purpose of repairing or replacing all or a portion of a
16 school building that has been damaged by mine subsidence in an
17 aggregate principal amount not to exceed \$17,500,000 and on
18 any bonds issued to refund or continue to refund those bonds
19 shall not be considered indebtedness for purposes of any
20 statutory debt limitation and must mature no later than 25
21 years from the date of issuance, notwithstanding any other
22 provision of law to the contrary, including Section 19-3 of
23 this Code. The maximum allowable amount of debt exempt from
24 statutory debt limitations under this subsection (p-140) shall
25 be reduced by an amount equal to any grants awarded by the
26 State Board of Education or Capital Development Board for the

1 explicit purpose of repairing or reconstructing a school
2 building damaged by mine subsidence.

3 (p-145) In addition to all other authority to issue bonds,
4 Greenview Community Unit School District 200 may issue bonds
5 with an aggregate principal amount not to exceed \$3,500,000,
6 but only if all of the following conditions are met:

7 (1) The voters of the district approve a proposition
8 for the bond issuance at an election held on March 17,
9 2020.

10 (2) Prior to the issuance of the bonds, the school
11 board determines, by resolution, that the bonding is
12 necessary for construction and expansion of the district's
13 kindergarten through grade 12 facility.

14 (3) The bonds are issued, in one or more issuances,
15 not later than 5 years after the date of the referendum
16 approving the issuance of the bonds, but the aggregate
17 principal amount issued in all such bond issuances
18 combined must not exceed \$3,500,000.

19 (4) The bonds are issued in accordance with this
20 Article.

21 (5) The proceeds of the bonds are used to accomplish
22 only the projects approved by the voters at an election
23 held on March 17, 2020.

24 The debt incurred on any bonds issued under this
25 subsection (p-145) and on any bonds issued to refund or
26 continue to refund such bonds shall not be considered

1 indebtedness for purposes of any statutory debt limitation.
2 Bonds issued under this subsection (p-145) and any bonds
3 issued to refund or continue to refund such bonds must mature
4 within not to exceed 25 years from their date, notwithstanding
5 any other law, including Section 19-3 of this Code, to the
6 contrary.

7 (p-150) In addition to all other authority to issue bonds,
8 Komarek School District 94 may issue bonds with an aggregate
9 principal amount not to exceed \$20,800,000, but only if all of
10 the following conditions are met:

11 (1) The voters of the district approve a proposition
12 for the bond issuance at an election held on or after March
13 17, 2020.

14 (2) Prior to the issuance of the bonds, the school
15 board determines, by resolution, that (i) building and
16 equipping additions to, altering, repairing, equipping, or
17 demolishing a portion of, or improving the site of the
18 district's existing school building is required as a
19 result of the age and condition of the existing building
20 and (ii) the issuance of the bonds is authorized by a
21 statute that exempts the debt incurred on the bonds from
22 the district's statutory debt limitation.

23 (3) The bonds are issued, in one or more issuances, no
24 later than 5 years after the date of the referendum
25 approving the issuance of the bonds, but the aggregate
26 principal amount issued in all of the bond issuances

1 combined may not exceed \$20,800,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only those projects approved by the voters at an election
6 held on or after March 17, 2020.

7 The debt incurred on any bonds issued under this
8 subsection (p-150) and on any bonds issued to refund or
9 continue to refund those bonds may not be considered
10 indebtedness for purposes of any statutory debt limitation.
11 Notwithstanding any other law to the contrary, including
12 Section 19-3, bonds issued under this subsection (p-150) and
13 any bonds issued to refund or continue to refund those bonds
14 must mature within 30 years from their date of issuance.

15 (p-155) In addition to all other authority to issue bonds,
16 Williamsville Community Unit School District 15 may issue
17 bonds with an aggregate principal amount not to exceed
18 \$40,000,000, but only if all of the following conditions are
19 met:

20 (1) The voters of the school district approve a
21 proposition for the bond issuance at an election held on
22 March 17, 2020.

23 (2) Prior to the issuance of the bonds, the school
24 board determines, by resolution, that the projects set
25 forth in the proposition for the bond issuance were and
26 are required because of the age and condition of the

1 school district's existing school buildings.

2 (3) The bonds are issued, in one or more issuances,
3 not later than 5 years after the date of the referendum
4 approving the issuance of the bonds, but the aggregate
5 principal amount issued in all such bond issuances
6 combined must not exceed \$40,000,000.

7 (4) The bonds are issued in accordance with this
8 Article.

9 (5) The proceeds of the bonds are used to accomplish
10 only the projects approved by the voters at an election
11 held on March 17, 2020.

12 The debt incurred on any bonds issued under this
13 subsection (p-155) and on any bonds issued to refund or
14 continue to refund such bonds shall not be considered
15 indebtedness for purposes of any statutory debt limitation.
16 Bonds issued under this subsection (p-155) and any bonds
17 issued to refund or continue to refund such bonds must mature
18 within not to exceed 25 years from their date, notwithstanding
19 any other law, including Section 19-3 of this Code, to the
20 contrary.

21 (p-160) In addition to all other authority to issue bonds,
22 Berkeley School District 87 may issue bonds with an aggregate
23 principal amount not to exceed \$105,000,000, but only if all
24 of the following conditions are met:

25 (1) The voters of the district approve a proposition
26 for the bond issuance at the general primary election held

1 on March 17, 2020.

2 (2) Prior to the issuance of the bonds, the school
3 board determines, by resolution, that (i) building and
4 equipping a school building to replace the Sunnyside
5 Intermediate and MacArthur Middle School buildings;
6 building and equipping additions to and altering,
7 repairing, and equipping the Riley Intermediate and
8 Northlake Middle School buildings; altering, repairing,
9 and equipping the Whittier Primary and Jefferson Primary
10 School buildings; improving sites; renovating
11 instructional spaces; providing STEM (science, technology,
12 engineering, and mathematics) labs; and constructing life
13 safety, security, and infrastructure improvements are
14 required to replace outdated facilities and to provide
15 safe spaces consistent with 21st century learning and (ii)
16 the issuance of bonds is authorized by a statute that
17 exempts the debt incurred on the bonds from the district's
18 statutory debt limitation.

19 (3) The bonds are issued, in one or more issuances,
20 not later than 5 years after the date of the referendum
21 approving the issuance of the bonds, but the aggregate
22 principal amount issued in all such bond issuances
23 combined must not exceed \$105,000,000.

24 (4) The bonds are issued in accordance with this
25 Article.

26 (5) The proceeds of the bonds are used to accomplish

1 only those projects approved by the voters at the general
2 primary election held on March 17, 2020.

3 The debt incurred on any bonds issued under this
4 subsection (p-160) and on any bonds issued to refund or
5 continue to refund such bonds shall not be considered
6 indebtedness for purposes of any statutory debt limitation.

7 (p-165) In addition to all other authority to issue bonds,
8 Elmwood Park Community Unit School District 401 may issue
9 bonds with an aggregate principal amount not to exceed
10 \$55,000,000, but only if all of the following conditions are
11 met:

12 (1) The voters of the district approve a proposition
13 for the bond issuance at an election held on or after March
14 17, 2020.

15 (2) Prior to the issuance of the bonds, the school
16 board determines, by resolution, that (i) the building and
17 equipping of an addition to the John Mills Elementary
18 School building; the renovating, altering, repairing, and
19 equipping of the John Mills and Elmwood Elementary School
20 buildings; the installation of safety and security
21 improvements; and the improvement of school sites are
22 required as a result of the age and condition of the
23 district's existing school buildings and (ii) the issuance
24 of bonds is authorized by a statute that exempts the debt
25 incurred on the bonds from the district's statutory debt
26 limitation.

1 (3) The bonds are issued, in one or more issuances,
2 not later than 5 years after the date of the referendum
3 approving the issuance of the bonds, but the aggregate
4 principal amount issued in all such bond issuances
5 combined must not exceed \$55,000,000.

6 (4) The bonds are issued in accordance with this
7 Article.

8 (5) The proceeds of the bonds are used to accomplish
9 only the projects approved by the voters at an election
10 held on or after March 17, 2020.

11 The debt incurred on any bonds issued under this
12 subsection (p-165) and on any bonds issued to refund or
13 continue to refund such bonds shall not be considered
14 indebtedness for purposes of any statutory debt limitation.
15 Bonds issued under this subsection (p-165) and any bonds
16 issued to refund or continue to refund such bonds must mature
17 within not to exceed 25 years from their date, notwithstanding
18 any other law, including Section 19-3 of this Code, to the
19 contrary.

20 (p-170) In addition to all other authority to issue bonds,
21 Maroa-Forsyth Community Unit School District 2 may issue bonds
22 with an aggregate principal amount not to exceed \$33,000,000,
23 but only if all of the following conditions are met:

24 (1) The voters of the school district approve a
25 proposition for the bond issuance at an election held on
26 March 17, 2020.

1 (2) Prior to the issuance of the bonds, the school
2 board determines, by resolution, that the projects set
3 forth in the proposition for the bond issuance were and
4 are required because of the age and condition of the
5 school district's existing school buildings.

6 (3) The bonds are issued, in one or more issuances,
7 not later than 5 years after the date of the referendum
8 approving the issuance of the bonds, but the aggregate
9 principal amount issued in all such bond issuances
10 combined must not exceed \$33,000,000.

11 (4) The bonds are issued in accordance with this
12 Article.

13 (5) The proceeds of the bonds are used to accomplish
14 only the projects approved by the voters at an election
15 held on March 17, 2020.

16 The debt incurred on any bonds issued under this
17 subsection (p-170) and on any bonds issued to refund or
18 continue to refund such bonds shall not be considered
19 indebtedness for purposes of any statutory debt limitation.
20 Bonds issued under this subsection (p-170) and any bonds
21 issued to refund or continue to refund such bonds must mature
22 within not to exceed 25 years from their date, notwithstanding
23 any other law, including Section 19-3 of this Code, to the
24 contrary.

25 (p-175) In addition to all other authority to issue bonds,
26 Schiller Park School District 81 may issue bonds with an

1 aggregate principal amount not to exceed \$30,000,000, but only
2 if all of the following conditions are met:

3 (1) The voters of the district approve a proposition
4 for the bond issuance at an election held on or after March
5 17, 2020.

6 (2) Prior to the issuance of the bonds, the school
7 board determines, by resolution, that (i) building and
8 equipping a school building to replace the Washington
9 Elementary School building, installing fire suppression
10 systems, security systems, and federal Americans with
11 Disability Act of 1990 compliance measures, acquiring
12 land, and improving the site are required to accommodate
13 enrollment growth, replace an outdated facility, and
14 create spaces consistent with 21st century learning and
15 (ii) the issuance of bonds is authorized by a statute that
16 exempts the debt incurred on the bonds from the district's
17 statutory debt limitation.

18 (3) The bonds are issued, in one or more issuances,
19 not later than 5 years after the date of the referendum
20 approving the issuance of the bonds, but the aggregate
21 principal amount issued in all such bond issuances
22 combined must not exceed \$30,000,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 (5) The proceeds of the bonds are used to accomplish
26 only the projects approved by the voters at an election

1 held on or after March 17, 2020.

2 The debt incurred on any bonds issued under this
3 subsection (p-175) and on any bonds issued to refund or
4 continue to refund such bonds shall not be considered
5 indebtedness for purposes of any statutory debt limitation.
6 Bonds issued under this subsection (p-175) and any bonds
7 issued to refund or continue to refund such bonds must mature
8 within not to exceed 27 years from their date, notwithstanding
9 any other law, including Section 19-3 of this Code, to the
10 contrary.

11 (p-180) In addition to all other authority to issue bonds,
12 Iroquois County Community Unit School District 9 may issue
13 bonds with an aggregate principal amount not to exceed
14 \$17,125,000, but only if all of the following conditions are
15 met:

16 (1) The voters of the district approve a proposition
17 for the bond issuance at an election held on or after April
18 6, 2021.

19 (2) Prior to the issuance of the bonds, the school
20 board determines, by resolution, that (i) building and
21 equipping a new school building in the City of Watseka;
22 altering, repairing, renovating, and equipping portions of
23 the existing facilities of the district; and making site
24 improvements is necessary because of the age and condition
25 of the district's existing school facilities and (ii) the
26 issuance of bonds is authorized by a statute that exempts

1 the debt incurred on the bonds from the district's
2 statutory debt limitation.

3 (3) The bonds are issued, in one or more issuances,
4 not later than 5 years after the date of the referendum
5 approving the issuance of the bonds, but the aggregate
6 principal amount issued in all such bond issuances
7 combined must not exceed \$17,125,000.

8 (4) The bonds are issued in accordance with this
9 Article.

10 (5) The proceeds of the bonds are used to accomplish
11 only the projects approved by the voters at an election
12 held on or after April 6, 2021.

13 The debt incurred on any bonds issued under this
14 subsection (p-180) and on any bonds issued to refund or
15 continue to refund such bonds shall not be considered
16 indebtedness for purposes of any statutory debt limitation.
17 Bonds issued under this subsection (p-180) and any bonds
18 issued to refund or continue to refund such bonds must mature
19 within not to exceed 25 years from their date, notwithstanding
20 any other law, including Section 19-3 of this Code, to the
21 contrary.

22 (p-185) In addition to all other authority to issue bonds,
23 Field Community Consolidated School District 3 may issue bonds
24 with an aggregate principal amount not to exceed \$2,600,000,
25 but only if all of the following conditions are met:

26 (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after April
2 6, 2021.

3 (2) Prior to the issuance of the bonds, the school
4 board determines, by resolution, that (i) it is necessary
5 to alter, repair, renovate, and equip the existing
6 facilities of the district, including, but not limited to,
7 roof replacement, lighting replacement, electrical
8 upgrades, restroom repairs, and gym renovations, and make
9 site improvements because of the age and condition of the
10 district's existing school facilities and (ii) the
11 issuance of bonds is authorized by a statute that exempts
12 the debt incurred on the bonds from the district's
13 statutory debt limitation.

14 (3) The bonds are issued, in one or more issuances,
15 not later than 5 years after the date of the referendum
16 approving the issuance of the bonds, but the aggregate
17 principal amount issued in all such bond issuances
18 combined must not exceed \$2,600,000.

19 (4) The bonds are issued in accordance with this
20 Article.

21 (5) The proceeds of the bonds are used to accomplish
22 only the projects approved by the voters at an election
23 held on or after April 6, 2021.

24 The debt incurred on any bonds issued under this
25 subsection (p-185) and on any bonds issued to refund or
26 continue to refund such bonds shall not be considered

1 indebtedness for purposes of any statutory debt limitation.
2 Bonds issued under this subsection (p-185) and any bonds
3 issued to refund or continue to refund such bonds must mature
4 within not to exceed 25 years from their date, notwithstanding
5 any other law, including Section 19-3 of this Code, to the
6 contrary.

7 (p-190) In addition to all other authority to issue bonds,
8 Mahomet-Seymour Community Unit School District 3 may issue
9 bonds with an aggregate principal amount not to exceed
10 \$97,900,000, but only if all the following conditions are met:

11 (1) The voters of the district approve a proposition
12 for the bond issuance at an election held on or after June
13 28, 2022.

14 (2) Prior to the issuance of the bonds, the school
15 board determines, by resolution, that (i) it is necessary
16 to build and equip a new junior high school building,
17 build and equip a new transportation building, and build
18 and equip additions to, renovate, and make site
19 improvements at the Lincoln Trail Elementary building,
20 Middletown Prairie Elementary building, and
21 Mahomet-Seymour High School building and (ii) the issuance
22 of bonds is authorized by a statute that exempts the debt
23 incurred on the bonds from the district's statutory debt
24 limitation.

25 (3) The bonds are issued, in one or more issuances,
26 not later than 5 years after the date of the referendum

1 approving the issuance of the bonds, but the aggregate
2 principal amount issued in all such bond issuances
3 combined must not exceed \$97,900,000.

4 (4) The bonds are issued in accordance with this
5 Article.

6 (5) The proceeds of the bonds are used to accomplish
7 only the projects approved by the voters at an election
8 held on or after June 28, 2022.

9 The debt incurred on any bonds issued under this
10 subsection (p-190) and on any bonds issued to refund or
11 continue to refund such bonds shall not be considered
12 indebtedness for purposes of any statutory debt limitation.
13 Bonds issued under this subsection (p-190) and any bonds
14 issued to refund or continue to refund such bonds must mature
15 within not to exceed 25 years from their date, notwithstanding
16 any other law, including Section 19-3 of this Code, to the
17 contrary.

18 (p-195) In addition to all other authority to issue bonds,
19 New Berlin Community Unit School District 16 may issue bonds
20 with an aggregate principal amount not to exceed \$23,500,000,
21 but only if all the following conditions are met:

22 (1) The voters of the district approve a proposition
23 for the bond issuance at an election held on or after June
24 28, 2022.

25 (2) Prior to the issuance of the bonds, the school
26 board determines, by resolution, that (i) it is necessary

1 to alter, repair, and equip the junior/senior high school
2 building, including creating new classroom, gym, and other
3 instructional spaces, renovating the J.V. Kirby Pretzel
4 Dome, improving heating, cooling, and ventilation systems,
5 installing school safety and security improvements,
6 removing asbestos, and making site improvements, and (ii)
7 the issuance of bonds is authorized by a statute that
8 exempts the debt incurred on the bonds from the district's
9 statutory debt limitation.

10 (3) The bonds are issued, in one or more issuances,
11 not later than 5 years after the date of the referendum
12 approving the issuance of the bonds, but the aggregate
13 principal amount issued in all such bond issuances
14 combined must not exceed \$23,500,000.

15 (4) The bonds are issued in accordance with this
16 Article.

17 (5) The proceeds of the bonds are used to accomplish
18 only the projects approved by the voters at an election
19 held on or after June 28, 2022.

20 The debt incurred on any bonds issued under this
21 subsection (p-195) and on any bonds issued to refund or
22 continue to refund such bonds shall not be considered
23 indebtedness for purposes of any statutory debt limitation.
24 Bonds issued under this subsection (p-195) and any bonds
25 issued to refund or continue to refund such bonds must mature
26 within not to exceed 25 years from their date, notwithstanding

1 any other law, including Section 19-3 of this Code, to the
2 contrary.

3 (p-200) In addition to all other authority to issue bonds,
4 Highland Community Unit School District 5 may issue bonds with
5 an aggregate principal amount not to exceed \$40,000,000, but
6 only if all the following conditions are met:

7 (1) The voters of the district approve a proposition
8 for the bond issuance at an election held on or after June
9 28, 2022.

10 (2) Prior to the issuance of the bonds, the school
11 board determines, by resolution, that (i) it is necessary
12 to improve the sites of, build, and equip a new primary
13 school building and build and equip additions to and
14 alter, repair, and equip existing school buildings and
15 (ii) the issuance of bonds is authorized by a statute that
16 exempts the debt incurred on the bonds from the district's
17 statutory debt limitation.

18 (3) The bonds are issued, in one or more issuances,
19 not later than 5 years after the date of the referendum
20 approving the issuance of the bonds, but the aggregate
21 principal amount issued in all such bond issuances
22 combined must not exceed \$40,000,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 (5) The proceeds of the bonds are used to accomplish
26 only the projects approved by the voters at an election

1 held on or after June 28, 2022.

2 The debt incurred on any bonds issued under this
3 subsection (p-200) and on any bonds issued to refund or
4 continue to refund such bonds shall not be considered
5 indebtedness for purposes of any statutory debt limitation.
6 Bonds issued under this subsection (p-200) and any bonds
7 issued to refund or continue to refund such bonds must mature
8 within not to exceed 25 years from their date, notwithstanding
9 any other law, including Section 19-3 of this Code, to the
10 contrary.

11 (p-205) In addition to all other authority to issue bonds,
12 Sullivan Community Unit School District 300 may issue bonds
13 with an aggregate principal amount not to exceed \$25,000,000,
14 but only if all of the following conditions are met:

15 (1) The voters of the district approve a proposition
16 for the bond issuance at an election held on or after June
17 28, 2022.

18 (2) Prior to the issuance of the bonds, the school
19 board determines, by resolution, that (i) the projects set
20 forth in the proposition for the issuance of the bonds are
21 required because of the age, condition, or capacity of the
22 school district's existing school buildings and (ii) the
23 issuance of bonds is authorized by a statute that exempts
24 the debt incurred on the bonds from the district's
25 statutory debt limitation.

26 (3) The bonds are issued, in one or more issuances,

1 not later than 5 years after the date of the referendum
2 approving the issuance of the bonds, but the aggregate
3 principal amount issued in all such bond issuances
4 combined must not exceed \$25,000,000.

5 (4) The bonds are issued in accordance with this
6 Article.

7 (5) The proceeds of the bonds are used to accomplish
8 only the projects approved by the voters at an election
9 held on or after June 28, 2022.

10 The debt incurred on any bonds issued under this
11 subsection (p-205) and on any bonds issued to refund or
12 continue to refund such bonds shall not be considered
13 indebtedness for purposes of any statutory debt limitation.
14 Bonds issued under this subsection (p-205) and any bonds
15 issued to refund or continue to refund such bonds must mature
16 within not to exceed 25 years from their date, notwithstanding
17 any other law, including Section 19-3 of this Code, to the
18 contrary.

19 (p-210) In addition to all other authority to issue bonds,
20 Manhattan School District 114 may issue bonds with an
21 aggregate principal amount not to exceed \$85,000,000, but only
22 if all the following conditions are met:

23 (1) The voters of the district approve a proposition
24 for the bond issuance at an election held on or after June
25 28, 2022.

26 (2) Prior to the issuance of the bonds, the school

1 board determines, by resolution, that the projects set
2 forth in the proposition for the bond issuance were and
3 are required because of the age, condition, or capacity of
4 the school district's existing school buildings.

5 (3) The bonds are issued, in one or more issuances,
6 not later than 5 years after the date of the referendum
7 approving the issuances of the bonds, but the aggregate
8 principal amount issued in all such bond issuances
9 combined must not exceed \$85,000,000.

10 (4) The bonds are issued in accordance with this
11 Article.

12 (5) The proceeds of the bonds are used to accomplish
13 only the projects approved by the voters at an election
14 held on or after June 28, 2022.

15 The debt incurred on any bonds issued under this
16 subsection (p-210) and on any bonds issued to refund or
17 continue to refund such bonds shall not be considered
18 indebtedness for purposes of any statutory debt limitation.
19 Bonds issued under this subsection (p-210) and any bonds
20 issued to refund or continue to refund such bonds must mature
21 within not to exceed 30 years from their date, notwithstanding
22 any other law, including Section 19-3 of this Code, to the
23 contrary.

24 (p-215) In addition to all other authority to issue bonds,
25 Golf Elementary School District 67 may issue bonds with an
26 aggregate principal amount not to exceed \$56,000,000, but only

1 if all of the following conditions are met:

2 (1) The voters of the district approve a proposition
3 for the bond issuance at an election held on or after June
4 28, 2022.

5 (2) Prior to the issuance of the bonds, the school
6 board determines, by resolution, that (i) it is necessary
7 to build and equip a new school building and improve the
8 site thereof and (ii) the issuance of bonds is authorized
9 by a statute that exempts the debt incurred on the bonds
10 from the district's statutory debt limitation.

11 (3) The bonds are issued, in one or more issuances,
12 not later than 5 years after the date of the referendum
13 approving the issuance of the bonds, but the aggregate
14 principal amount issued in all such bond issuances
15 combined must not exceed \$56,000,000.

16 (4) The bonds are issued in accordance with this
17 Article.

18 (5) The proceeds of the bonds are used to accomplish
19 only the projects approved by the voters at an election
20 held on or after June 28, 2022.

21 The debt incurred on any bonds issued under this
22 subsection (p-215) and on any bonds issued to refund or
23 continue to refund such bonds shall not be considered
24 indebtedness for purposes of any statutory debt limitation.
25 Bonds issued under this subsection (p-215) and any bonds
26 issued to refund or continue to refund such bonds must mature

1 within not to exceed 25 years from their date, notwithstanding
2 any other law, including Section 19-3 of this Code, to the
3 contrary.

4 (p-220) In addition to all other authority to issue bonds,
5 Joliet Public Schools District 86 may issue bonds with an
6 aggregate principal amount not to exceed \$99,500,000, but only
7 if all the following conditions are met:

8 (1) The voters of the district approve a proposition
9 for the bond issuance at an election held on or after April
10 4, 2023.

11 (2) Prior to the issuance of the bonds, the school
12 board determines, by resolution, that the projects set
13 forth in the proposition for the bond issuance were and
14 are required because of the age and condition of the
15 school district's existing school buildings.

16 (3) The bonds are issued, in one or more issuances,
17 not later than 5 years after the date of the referendum
18 approving the issuance of the bonds, but the aggregate
19 principal amount issued in all such bond issuances
20 combined must not exceed \$99,500,000.

21 (4) The bonds are issued in accordance with this
22 Article.

23 (5) The proceeds of the bonds are used to accomplish
24 only the projects approved by the voters at an election
25 held on or after April 4, 2023.

26 The debt incurred on any bonds issued under this

1 subsection (p-220), and on any bonds issued to refund or
2 continue to refund such bonds, shall not be considered
3 indebtedness for purposes of any statutory debt limitation.
4 Bonds issued under this subsection (p-220) and any bonds
5 issued to refund or continue to refund such bonds must mature
6 within not to exceed 25 years from their date, notwithstanding
7 any other law, including Section 19-3 of this Code, to the
8 contrary.

9 (p-225) In addition to all other authority to issue bonds,
10 Union Ridge School District 86 may issue bonds with an
11 aggregate principal amount not to exceed \$35,000,000, but only
12 if all the following conditions are met:

13 (1) The voters of the school district approve a
14 proposition for the bond issuance at an election held on
15 or after March 19, 2024.

16 (2) Prior to the issuance of the bonds, the school
17 board determines, by resolution, that the projects set
18 forth in the proposition for the bond issuance were and
19 are required because of the age and condition of the
20 school district's existing school buildings.

21 (3) The bonds are issued, in one or more issuances,
22 not later than 5 years after the date of the referendum
23 approving the issuance of the bonds, but the aggregate
24 principal amount issued in all such bond issuances
25 combined must not exceed \$35,000,000.

26 (4) The bonds are issued in accordance with this

1 Article.

2 (5) The proceeds of the bonds are used to accomplish
3 only the projects approved by the voters at an election
4 held on or after March 19, 2024.

5 The debt incurred on any bonds issued under this
6 subsection (p-225) and on any bonds issued to refund or
7 continue to refund such bonds shall not be considered
8 indebtedness for purposes of any statutory debt ~~limit~~
9 limitation. Bonds issued under this subsection (p-225) and any
10 bonds issued ~~issue~~ to refund or continue to refund such bonds
11 must mature within not to exceed 25 years from their date,
12 notwithstanding any other law, including Section 19-3 of this
13 Code, to the contrary.

14 (p-230) In addition to all other authority to issue bonds,
15 Bethel School District 82 may issue bonds with an aggregate
16 principal amount not to exceed \$3,975,000, but only if all the
17 following conditions are met:

18 (1) The voters of the school district approve a
19 proposition for the bond issuance at an election held on
20 or after March 19, 2024.

21 (2) Prior to the issuance of the bonds, the school
22 board determines, by resolution, that the projects set
23 forth in the proposition for the bond issuance were and
24 are required because of the age and condition of the
25 school district's existing school buildings.

26 (3) The bonds are issued, in one or more issuances,

1 not later than 5 years after the date of the referendum
2 approving the issuance of the bonds, but the aggregate
3 principal amount issued in all such bond issuances
4 combined must not exceed \$3,975,000.

5 (4) The bonds are issued in accordance with this
6 Article.

7 (5) The proceeds of the bonds are used to accomplish
8 only the projects approved by the voters at an election
9 held on or after March 19, 2024.

10 The debt incurred on any bonds issued under this
11 subsection (p-230) and on any bonds issued to refund or
12 continue to refund such bonds shall not be considered
13 indebtedness for purposes of any statutory debt ~~limit~~
14 limitation. Bonds issued under this subsection (p-230) and any
15 bonds issued ~~issue~~ to refund or continue to refund such bonds
16 must mature within not to exceed 25 years from their date,
17 notwithstanding any other law, including Section 19-3 of this
18 Code, to the contrary.

19 (p-235) ~~(p-225)~~ Notwithstanding the provisions of any
20 other law to the contrary, debt incurred on any bonds issued
21 under Section 19-3 of this Code and authorized by an election
22 held on or after November 5, 2024~~7~~ and on any bonds issued to
23 refund or continue to refund such bonds~~7~~ shall not be
24 considered indebtedness for purposes of any statutory debt
25 limitation. Bonds issued under Section 19-3 of this Code and
26 authorized by an election held on or after November 5, 2024~~7~~

1 and any bonds issued to refund or continue to refund such bonds
2 must mature within 30 years from their date, notwithstanding
3 any other law, including Section 19-3 of this Code, to the
4 contrary.

5 (q) A school district must notify the State Board of
6 Education prior to issuing any form of long-term or short-term
7 debt that will result in outstanding debt that exceeds 75% of
8 the debt limit specified in this Section or any other
9 provision of law.

10 (Source: P.A. 102-316, eff. 8-6-21; 102-949, eff. 5-27-22;
11 103-449, eff. 1-1-24; 103-591, eff. 7-1-24; 103-978, eff.
12 8-9-24; revised 9-25-24.)

13 (105 ILCS 5/21B-50)

14 Sec. 21B-50. Alternative Educator Licensure Program for
15 Teachers.

16 (a) There is established an alternative educator licensure
17 program, to be known as the Alternative Educator Licensure
18 Program for Teachers.

19 (b) The Alternative Educator Licensure Program for
20 Teachers may be offered by a recognized institution approved
21 to offer educator preparation programs by the State Board of
22 Education, in consultation with the State Educator Preparation
23 and Licensure Board.

24 The program shall be comprised of up to 3 phases:

25 (1) A course of study that at a minimum includes

1 instructional planning; instructional strategies,
2 including special education, reading, and English language
3 learning; classroom management; and the assessment of
4 students and use of data to drive instruction.

5 (2) A year of residency, which is a candidate's
6 assignment to a full-time teaching position or as a
7 co-teacher for one full school year. An individual must
8 hold an Educator License with Stipulations with an
9 alternative provisional educator endorsement in order to
10 enter the residency. In residency, the candidate must be
11 assigned an effective, fully licensed teacher by the
12 principal or principal equivalent to act as a mentor and
13 coach the candidate through residency, complete additional
14 program requirements that address required State and
15 national standards, pass the State Board's teacher
16 performance assessment, if required under Section 21B-30,
17 and be recommended by the principal or qualified
18 equivalent of a principal, as required under subsection
19 (d) of this Section, and the program coordinator to be
20 recommended for full licensure or to continue with a
21 second year of the residency.

22 (3) (Blank).

23 (4) A comprehensive assessment of the candidate's
24 teaching effectiveness, as evaluated by the principal or
25 qualified equivalent of a principal, as required under
26 subsection (d) of this Section, and the program

1 coordinator, at the end of either the first or the second
2 year of residency. If there is disagreement between the 2
3 evaluators about the candidate's teaching effectiveness at
4 the end of the first year of residency, a second year of
5 residency shall be required. If there is disagreement
6 between the 2 evaluators at the end of the second year of
7 residency, the candidate may complete one additional year
8 of residency teaching under a professional development
9 plan developed by the principal or qualified equivalent
10 and the preparation program. At the completion of the
11 third year, a candidate must have positive evaluations and
12 a recommendation for full licensure from both the
13 principal or qualified equivalent and the program
14 coordinator or no Professional Educator License shall be
15 issued.

16 Successful completion of the program shall be deemed to
17 satisfy any other practice or student teaching and content
18 matter requirements established by law.

19 (c) An alternative provisional educator endorsement on an
20 Educator License with Stipulations is valid for up to 2 years
21 of teaching in the public schools, including without
22 limitation a preschool educational program under Section
23 2-3.71 of this Code or Section 15-30 of the Department of Early
24 Childhood Act or charter school, or in a State-recognized
25 nonpublic school in which the chief administrator is required
26 to have the licensure necessary to be a principal in a public

1 school in this State and in which a majority of the teachers
2 are required to have the licensure necessary to be instructors
3 in a public school in this State, but may be renewed for a
4 third year if needed to complete the Alternative Educator
5 Licensure Program for Teachers. The endorsement shall be
6 issued only once to an individual who meets all of the
7 following requirements:

8 (1) Has graduated from a regionally accredited college
9 or university with a bachelor's degree or higher.

10 (2) (Blank).

11 (3) Has completed a major in the content area if
12 seeking a middle or secondary level endorsement or, if
13 seeking an early childhood, elementary, or special
14 education endorsement, has completed a major in the
15 content area of early childhood reading, English/language
16 arts, mathematics, or one of the sciences. If the
17 individual does not have a major in a content area for any
18 level of teaching, he or she must submit transcripts to
19 the State Board of Education to be reviewed for
20 equivalency.

21 (4) Has successfully completed phase (1) of subsection
22 (b) of this Section.

23 (5) Has passed a content area test required for the
24 specific endorsement, as required under Section 21B-30 of
25 this Code.

26 A candidate possessing the alternative provisional

1 educator endorsement may receive a salary, benefits, and any
2 other terms of employment offered to teachers in the school
3 who are members of an exclusive bargaining representative, if
4 any, but a school is not required to provide these benefits
5 during the years of residency if the candidate is serving only
6 as a co-teacher. If the candidate is serving as the teacher of
7 record, the candidate must receive a salary, benefits, and any
8 other terms of employment. Residency experiences must not be
9 counted towards tenure.

10 (d) The recognized institution offering the Alternative
11 Educator Licensure Program for Teachers must partner with a
12 school district, including without limitation a preschool
13 educational program under Section 2-3.71 of this Code or
14 Section 15-30 of the Department of Early Childhood Act or
15 charter school, or a State-recognized, nonpublic school in
16 this State in which the chief administrator is required to
17 have the licensure necessary to be a principal in a public
18 school in this State and in which a majority of the teachers
19 are required to have the licensure necessary to be instructors
20 in a public school in this State. A recognized institution
21 that partners with a public school district administering a
22 preschool educational program under Section 2-3.71 of this
23 Code or Section 15-30 of the Department of Early Childhood Act
24 must require a principal to recommend or evaluate candidates
25 in the program. A recognized institution that partners with an
26 eligible entity administering a preschool educational program

1 under Section 2-3.71 of this Code or Section 15-30 of the
2 Department of Early Childhood Act and that is not a public
3 school district must require a principal or qualified
4 equivalent of a principal to recommend or evaluate candidates
5 in the program. The program presented for approval by the
6 State Board of Education must demonstrate the supports that
7 are to be provided to assist the provisional teacher during
8 the one-year or 2-year residency period and if the residency
9 period is to be less than 2 years in length, assurances from
10 the partner school districts to provide intensive mentoring
11 and supports through at least the end of the second full year
12 of teaching for educators who completed the Alternative
13 Educator Licensure Program for Teachers in less than 2 years.
14 These supports must, at a minimum, provide additional contact
15 hours with mentors during the first year of residency.

16 (e) Upon completion of phases under paragraphs (1), (2),
17 (4), and, if needed, (3) in subsection (b) of this Section and
18 all assessments required under Section 21B-30 of this Code, an
19 individual shall receive a Professional Educator License.

20 (f) The State Board of Education, in consultation with the
21 State Educator Preparation and Licensure Board, may adopt such
22 rules as may be necessary to establish and implement the
23 Alternative Educator Licensure Program for Teachers.

24 (Source: P.A. 103-111, eff. 6-29-23; 103-488, eff. 8-4-23;
25 103-594, eff. 6-25-24; 103-605, eff. 7-1-24; 103-780, eff.
26 8-2-24; revised 8-12-24.)

1 (105 ILCS 5/22-94)

2 Sec. 22-94. Employment history review.

3 (a) This Section applies to all permanent and temporary
4 positions for employment with a school or a contractor of a
5 school involving direct contact with children or students.

6 (b) In this Section:

7 "Contractor" means firms holding contracts with any school
8 including, but not limited to, food service workers, school
9 bus drivers and other transportation employees, who have
10 direct contact with children or students.

11 "Direct contact with children or students" means the
12 possibility of care, supervision, guidance, or control of
13 children or students or routine interaction with children or
14 students.

15 "School" means a public or nonpublic elementary or
16 secondary school.

17 "Sexual misconduct" has the meaning ascribed to it in
18 subsection (c) of Section 22-85.5 of this Code.

19 (c) Prior to hiring an applicant to work directly with
20 children or students, a school or contractor must ensure that
21 the following criteria are met:

22 (1) the school or contractor has no knowledge or
23 information pertaining to the applicant that would
24 disqualify the applicant from employment;

25 (2) the applicant swears or affirms that the applicant

1 is not disqualified from employment;

2 (3) using the template developed by the State Board of
3 Education, the applicant provides all of the following:

4 (A) a list, including the name, address, telephone
5 number, and other relevant contact information of the
6 following:

7 (i) the applicant's current employer;

8 (ii) all former employers of the applicant
9 that were schools or school contractors, as well
10 as all former employers at which the applicant had
11 direct contact with children or students;

12 (B) A written authorization that consents to and
13 authorizes disclosure by the applicant's current and
14 former employers under subparagraph (A) of this
15 paragraph (3) of the information requested under
16 paragraph (4) of this subsection (c) and the release
17 of related records and that releases those employers
18 from any liability that may arise from such disclosure
19 or release of records pursuant to subsection (e).

20 (C) A written statement of whether the applicant:

21 (i) has been the subject of a sexual
22 misconduct allegation, unless a subsequent
23 investigation resulted in a finding that the
24 allegation was false, unfounded, or
25 unsubstantiated;

26 (ii) has ever been discharged from, been asked

1 to resign from, resigned from, or otherwise been
2 separated from any employment, has ever been
3 disciplined by an employer, or has ever had an
4 employment contract not renewed due to an
5 adjudication or finding of sexual misconduct or
6 while an allegation of sexual misconduct was
7 pending or under investigation, unless the
8 investigation resulted in a finding that the
9 allegation was false, unfounded, or
10 unsubstantiated; or

11 (iii) has ever had a license or certificate
12 suspended, surrendered, or revoked or had an
13 application for licensure, approval, or
14 endorsement denied due to an adjudication or
15 finding of sexual misconduct or while an
16 allegation of sexual misconduct was pending or
17 under investigation, unless the investigation
18 resulted in a finding that the allegation was
19 false, unfounded, or unsubstantiated.

20 (4) The school or contractor shall initiate a review
21 of the employment history of the applicant by contacting
22 those employers listed by the applicant under subparagraph
23 (A) of paragraph (3) of this subsection (c) and, using the
24 template developed by the State Board of Education,
25 request all of the following information:

26 (A) the dates of employment of the applicant;

1 (B) a statement as to whether the applicant:

2 (i) has been the subject of a sexual
3 misconduct allegation, unless a subsequent
4 investigation resulted in a finding that the
5 allegation was false, unfounded, or
6 unsubstantiated;

7 (ii) was discharged from, was asked to resign
8 from, resigned from, or was otherwise separated
9 from any employment, was disciplined by the
10 employer, or had an employment contract not
11 renewed due to an adjudication or finding of
12 sexual misconduct or while an allegation of sexual
13 misconduct was pending or under investigation,
14 unless the investigation resulted in a finding
15 that the allegation was false, unfounded, or
16 unsubstantiated; or

17 (iii) has ever had a license or certificate
18 suspended, surrendered, or revoked due to an
19 adjudication or finding of sexual misconduct or
20 while an allegation of sexual misconduct was
21 pending or under investigation, unless the
22 investigation resulted in a finding that the
23 allegation was false, unfounded, or
24 unsubstantiated.

25 (C) The template shall include the following
26 option: if the employer does not have records or

1 evidence regarding the questions in items (i) through
2 (iii) of subparagraph (B) of paragraph (4) of
3 subsection (c), the employer may state that there is
4 no knowledge of information pertaining to the
5 applicant that would disqualify the applicant from
6 employment.

7 (5) For applicants licensed by the State Board of
8 Education, the school district, charter school, or
9 nonpublic school shall verify the applicant's reported
10 previous employers with previous employers in the State
11 Board of Education's educator licensure database to ensure
12 accuracy.

13 (d) An applicant who provides false information or
14 willfully fails to disclose information required in subsection
15 (c) shall be subject to discipline, up to and including
16 termination or denial of employment.

17 (e) No later than 20 days after receiving a request for
18 information required under paragraph (4) of subsection (c), an
19 employer who has or had an employment relationship with the
20 applicant shall disclose the information requested. If the
21 employer has an office of human resources or a central office,
22 information shall be provided by that office. The employer who
23 has or had an employment relationship with the applicant shall
24 disclose the information on the template developed by the
25 State Board of Education. For any affirmative response to
26 items (i) through (iii) of subparagraph (B) of paragraph (4)

1 or subsection (c), the employer who has or had an employment
2 relationship with the applicant shall provide additional
3 information about the matters disclosed and all related
4 records.

5 A school shall complete the template at time of separation
6 from employment, or at the request of the employee, and
7 maintain it as part of the employee's personnel file. If the
8 school completes an investigation after an employee's
9 separation from employment, the school shall update the
10 information accordingly.

11 Information received under this Section shall not be
12 deemed a public record.

13 A school or contractor who receives information under this
14 subsection (e) may use the information for the purpose of
15 evaluating an applicant's fitness to be hired or for continued
16 employment and may report the information, as appropriate, to
17 the State Board of Education, a State licensing agency, a law
18 enforcement agency, a child protective services agency,
19 another school or contractor, or a prospective employer.

20 An employer, school, school administrator, or contractor
21 who provides information or records about a current or former
22 employee or applicant under this Section is immune from
23 criminal and civil liability for the disclosure of the
24 information or records, unless the information or records
25 provided were knowingly false. This immunity shall be in
26 addition to and not a limitation on any other immunity

1 provided by law or any absolute or conditional privileges
2 applicable to the disclosure by virtue of the circumstances or
3 the applicant's consent to the disclosure and shall extend to
4 any circumstances when the employer, school, school
5 administrator, or contractor in good faith shares findings of
6 sexual misconduct with another employer.

7 Unless the laws of another state prevent the release of
8 the information or records requested or disclosure is
9 restricted by the terms of a contract entered into prior to
10 July 1, 2023 (the effective date of Public Act 102-702) ~~this~~
11 ~~amendatory Act of the 102nd General Assembly,~~ and
12 notwithstanding any other provisions of law to the contrary,
13 an employer, school, school administrator, contractor, or
14 applicant shall report and disclose, in accordance with this
15 Section, all relevant information, records, and documentation
16 that may otherwise be confidential.

17 (f) A school or contractor may not hire an applicant who
18 does not provide the information required under subsection (c)
19 for a position involving direct contact with children or
20 students.

21 (g) Beginning on July 1, 2023 (the effective date of
22 Public Act 102-702) ~~this amendatory Act of the 102nd General~~
23 ~~Assembly,~~ a school or contractor may not enter into a
24 collective bargaining agreement, an employment contract, an
25 agreement for resignation or termination, a severance
26 agreement, or any other contract or agreement or take any

1 action that:

2 (1) has the effect of suppressing information
3 concerning a pending investigation or a completed
4 investigation in which an allegation was substantiated
5 related to a report of suspected sexual misconduct by a
6 current or former employee;

7 (2) affects the ability of the school or contractor to
8 report suspected sexual misconduct to the appropriate
9 authorities; or

10 (3) requires the school or contractor to expunge
11 information about allegations or findings of suspected
12 sexual misconduct from any documents maintained by the
13 school or contractor, unless, after an investigation, an
14 allegation is found to be false, unfounded, or
15 unsubstantiated.

16 (h) Any provision of an employment contract or agreement
17 for resignation or termination or a severance agreement that
18 is executed, amended, or entered into on or after July 1, 2023
19 (the effective date of Public Act 102-702) ~~this amendatory Act~~
20 ~~of the 102nd General Assembly~~ and that is contrary to this
21 Section is void and unenforceable.

22 (i) For substitute employees, all of the following apply:

23 (1) The employment history review required by this
24 Section is required only prior to the initial hiring of a
25 substitute employee or placement on a school's approved
26 substitute list and shall remain valid as long as the

1 substitute employee continues to be employed by the same
2 school or remains on the school's approved substitute
3 list.

4 (2) A substitute employee seeking to be added to
5 another school's substitute list shall undergo an
6 additional employment history review under this Section.
7 Except as otherwise provided in paragraph (3) of this
8 subsection (i) or in subsection (k), the appearance of a
9 substitute employee on one school's substitute list does
10 not relieve another school from compliance with this
11 Section.

12 (3) An employment history review conducted upon
13 initial hiring of a substitute employee by a contractor or
14 any other entity that furnishes substitute staffing
15 services to schools shall satisfy the requirements of this
16 Section for all schools using the services of that
17 contractor or other entity.

18 (4) A contractor or any other entity furnishing
19 substitute staffing services to schools shall comply with
20 paragraphs (3) and (4) of subsection (j).

21 (j) For employees of contractors, all of the following
22 apply:

23 (1) The employment history review required by this
24 Section shall be performed, either at the time of the
25 initial hiring of an employee or prior to the assignment
26 of an existing employee to perform work for a school in a

1 position involving direct contact with children or
2 students. The review shall remain valid as long as the
3 employee remains employed by the same contractor, even if
4 assigned to perform work for other schools.

5 (2) A contractor shall maintain records documenting
6 employment history reviews for all employees as required
7 by this Section and, upon request, shall provide a school
8 for whom an employee is assigned to perform work access to
9 the records pertaining to that employee.

10 (3) Prior to assigning an employee to perform work for
11 a school in a position involving direct contact with
12 children or students, the contractor shall inform the
13 school of any instance known to the contractor in which
14 the employee:

15 (A) has been the subject of a sexual misconduct
16 allegation unless a subsequent investigation resulted
17 in a finding that the allegation was false, unfounded,
18 or unsubstantiated;

19 (B) has ever been discharged, been asked to resign
20 from, resigned from, or otherwise been separated from
21 any employment, been removed from a substitute list,
22 been disciplined by an employer, or had an employment
23 contract not renewed due to an adjudication or finding
24 of sexual misconduct or while an allegation of sexual
25 misconduct was pending or under investigation, unless
26 the investigation resulted in a finding that the

1 allegation was false, unfounded, or unsubstantiated;
2 or

3 (C) has ever had a license or certificate
4 suspended, surrendered, or revoked due to an
5 adjudication or finding of sexual misconduct or while
6 an allegation of sexual misconduct was pending or
7 under investigation, unless the investigation resulted
8 in a finding that the allegation was false, unfounded,
9 or unsubstantiated.

10 (4) The contractor may not assign an employee to
11 perform work for a school in a position involving direct
12 contact with children or students if the school objects to
13 the assignment after being informed of an instance listed
14 in paragraph (3).

15 (k) An applicant who has undergone an employment history
16 review under this Section and seeks to transfer to or provide
17 services to another school in the same school district,
18 diocese, or religious jurisdiction, or to another school
19 established and supervised by the same organization is not
20 required to obtain additional reports under this Section
21 before transferring.

22 (1) Nothing in this Section shall be construed:

23 (1) to prevent a prospective employer from conducting
24 further investigations of prospective employees or from
25 requiring applicants to provide additional background
26 information or authorizations beyond what is required

1 under this Section, nor to prevent a current or former
2 employer from disclosing more information than what is
3 required under this Section;

4 (2) to relieve a school, school employee, contractor
5 of the school, or agent of the school from any legal
6 responsibility to report sexual misconduct in accordance
7 with State and federal reporting requirements;

8 (3) to relieve a school, school employee, contractor
9 of the school, or agent of the school from any legal
10 responsibility to implement the provisions of Section 7926
11 of Chapter 20 of the United States Code; or

12 (4) to prohibit the right of the exclusive bargaining
13 representative under a collective bargaining agreement to
14 grieve and arbitrate the validity of an employee's
15 termination or discipline for just cause.

16 (m) The State Board of Education shall develop the
17 templates required under paragraphs (3) and (4) of subsection
18 (c).

19 (Source: P.A. 102-702, eff. 7-1-23; revised 7-17-24.)

20 (105 ILCS 5/24-4.1) (from Ch. 122, par. 24-4.1)

21 Sec. 24-4.1. Residence requirements. ~~Residency~~ within any
22 school district shall not be considered in determining the
23 employment or the compensation of a teacher or whether to
24 retain, promote, assign, or transfer that teacher.

25 (Source: P.A. 82-381; revised 10-16-24.)

1 (105 ILCS 5/24A-2.5)

2 Sec. 24A-2.5. Definitions. In this Article:

3 "Evaluator" means:

4 (1) an administrator qualified under Section 24A-3; or

5 (2) other individuals qualified under Section 24A-3,
6 provided that, if such other individuals are in the
7 bargaining unit of a district's teachers, the district and
8 the exclusive bargaining representative of that unit must
9 agree to those individuals evaluating other bargaining
10 unit members.

11 Notwithstanding anything to the contrary in item (2) of
12 this definition, a school district operating under Article 34
13 of this Code may require department chairs qualified under
14 Section 24A-3 to evaluate teachers in their department or
15 departments, provided that the school district shall bargain
16 with the bargaining representative of its teachers over the
17 impact and effects on department chairs of such a requirement.

18 "Implementation date" means, unless otherwise specified
19 and provided that the requirements set forth in subsection (d)
20 of Section 24A-20 have been met:

21 (1) For school districts having 500,000 or more
22 inhabitants, in at least 300 schools by September 1, 2012
23 and in the remaining schools by September 1, 2013.

24 (2) For school districts having less than 500,000
25 inhabitants and receiving a Race to the Top Grant or

1 School Improvement Grant after January 15, 2010 (the
2 effective date of Public Act 96-861) ~~this amendatory Act~~
3 ~~of the 96th General Assembly~~, the date specified in those
4 grants for implementing an evaluation system for teachers
5 and principals incorporating student growth as a
6 significant factor.

7 (3) For the lowest performing 20% ~~percent~~ of remaining
8 school districts having less than 500,000 inhabitants
9 (with the measure of and school year or years used for
10 school district performance to be determined by the State
11 Superintendent of Education at a time determined by the
12 State Superintendent), September 1, 2015.

13 (4) For all other school districts having less than
14 500,000 inhabitants, September 1, 2016.

15 Notwithstanding items (3) and (4) of this definition, a
16 school district and the exclusive bargaining representative of
17 its teachers may jointly agree in writing to an earlier
18 implementation date, provided that such date must not be
19 earlier than September 1, 2013. The written agreement of the
20 district and the exclusive bargaining representative must be
21 transmitted to the State Board of Education.

22 "Race to the Top Grant" means a grant made by the Secretary
23 of the U.S. Department of Education for the program first
24 funded pursuant to paragraph (2) of Section 14006(a) of the
25 American Recovery and Reinvestment Act of 2009.

26 "School Improvement Grant" means a grant made by the

1 Secretary of the U.S. Department of Education pursuant to
2 Section 1003(g) of the Elementary and Secondary Education Act.
3 (Source: P.A. 96-861, eff. 1-15-10; 97-8, eff. 6-13-11;
4 revised 7-17-24.)

5 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

6 Sec. 24A-5. Content of evaluation plans. This Section does
7 not apply to teachers assigned to schools identified in an
8 agreement entered into between the board of a school district
9 operating under Article 34 of this Code and the exclusive
10 representative of the district's teachers in accordance with
11 Section 34-85c of this Code.

12 Each school district to which this Article applies shall
13 establish a teacher evaluation plan which ensures that each
14 teacher in contractual continued service is evaluated at least
15 once in the course of every 2 or 3 school years as provided in
16 this Section.

17 Each school district shall establish a teacher evaluation
18 plan that ensures that:

19 (1) each teacher not in contractual continued service
20 is evaluated at least once every school year; and

21 (2) except as otherwise provided in this Section, each
22 teacher in contractual continued service is evaluated at
23 least once in the course of every 2 school years. However,
24 any teacher in contractual continued service whose
25 performance is rated as either "needs improvement" or

1 "unsatisfactory" must be evaluated at least once in the
2 school year following the receipt of such rating.

3 No later than September 1, 2022, each school district must
4 establish a teacher evaluation plan that ensures that each
5 teacher in contractual continued service whose performance is
6 rated as either "excellent" or "proficient" is evaluated at
7 least once in the course of the 3 school years after receipt of
8 the rating and implement an informal teacher observation plan
9 established by agency rule and by agreement of the joint
10 committee established under subsection (b) of Section 24A-4 of
11 this Code that ensures that each teacher in contractual
12 continued service whose performance is rated as either
13 "excellent" or "proficient" is informally observed at least
14 once in the course of the 2 school years after receipt of the
15 rating.

16 For the 2022-2023 school year only, if the Governor has
17 declared a disaster due to a public health emergency pursuant
18 to Section 7 of the Illinois Emergency Management Agency Act,
19 a school district may waive the evaluation requirement of all
20 teachers in contractual continued service whose performances
21 were rated as either "excellent" or "proficient" during the
22 last school year in which the teachers were evaluated under
23 this Section.

24 Notwithstanding anything to the contrary in this Section
25 or any other Section of this Code, a principal shall not be
26 prohibited from evaluating any teachers within a school during

1 his or her first year as principal of such school. If a
2 first-year principal exercises this option in a school
3 district where the evaluation plan provides for a teacher in
4 contractual continued service to be evaluated once in the
5 course of every 2 or 3 school years, as applicable, then a new
6 2-year or 3-year evaluation plan must be established.

7 The evaluation plan shall comply with the requirements of
8 this Section and of any rules adopted by the State Board of
9 Education pursuant to this Section.

10 The plan shall include a description of each teacher's
11 duties and responsibilities and of the standards to which that
12 teacher is expected to conform, and shall include at least the
13 following components:

14 (a) personal observation of the teacher in the
15 classroom by the evaluator, unless the teacher has no
16 classroom duties.

17 (b) consideration of the teacher's attendance,
18 planning, instructional methods, classroom management,
19 where relevant, and competency in the subject matter
20 taught.

21 (c) by no later than the applicable implementation
22 date, consideration of student growth as a significant
23 factor in the rating of the teacher's performance.

24 (d) prior to September 1, 2012, rating of the
25 performance of teachers in contractual continued service
26 as either:

1 (i) "excellent", "satisfactory" or
2 "unsatisfactory"; or

3 (ii) "excellent", "proficient", "needs
4 improvement" or "unsatisfactory".

5 (e) on and after September 1, 2012, rating of the
6 performance of all teachers as "excellent", "proficient",
7 "needs improvement" or "unsatisfactory".

8 (f) specification as to the teacher's strengths and
9 weaknesses, with supporting reasons for the comments made.

10 (g) inclusion of a copy of the evaluation in the
11 teacher's personnel file and provision of a copy to the
12 teacher.

13 (h) within 30 school days after the completion of an
14 evaluation rating a teacher in contractual continued
15 service as "needs improvement", development by the
16 evaluator, in consultation with the teacher, and taking
17 into account the teacher's ongoing ~~on-going~~ professional
18 responsibilities including his or her regular teaching
19 assignments, of a professional development plan directed
20 to the areas that need improvement and any supports that
21 the district will provide to address the areas identified
22 as needing improvement.

23 (i) within 30 school days after completion of an
24 evaluation rating a teacher in contractual continued
25 service as "unsatisfactory", development and commencement
26 by the district of a remediation plan designed to correct

1 deficiencies cited, provided the deficiencies are deemed
2 remediable. In all school districts the remediation plan
3 for unsatisfactory, tenured teachers shall provide for 90
4 school days of remediation within the classroom, unless an
5 applicable collective bargaining agreement provides for a
6 shorter duration. In all school districts evaluations
7 issued pursuant to this Section shall be issued within 10
8 days after the conclusion of the respective remediation
9 plan. However, the school board or other governing
10 authority of the district shall not lose jurisdiction to
11 discharge a teacher in the event the evaluation is not
12 issued within 10 days after the conclusion of the
13 respective remediation plan.

14 (j) participation in the remediation plan by the
15 teacher in contractual continued service rated
16 "unsatisfactory", an evaluator and a consulting teacher
17 selected by the evaluator of the teacher who was rated
18 "unsatisfactory", which consulting teacher is an
19 educational employee as defined in the Illinois
20 Educational Labor Relations Act, has at least 5 years'
21 teaching experience, and a reasonable familiarity with the
22 assignment of the teacher being evaluated, and who
23 received an "excellent" rating on his or her most recent
24 evaluation. Where no teachers who meet these criteria are
25 available within the district, the district shall request
26 and the applicable regional office of education shall

1 supply, to participate in the remediation process, an
2 individual who meets these criteria.

3 In a district having a population of less than 500,000
4 with an exclusive bargaining agent, the bargaining agent
5 may, if it so chooses, supply a roster of qualified
6 teachers from whom the consulting teacher is to be
7 selected. That roster shall, however, contain the names of
8 at least 5 teachers, each of whom meets the criteria for
9 consulting teacher with regard to the teacher being
10 evaluated, or the names of all teachers so qualified if
11 that number is less than 5. In the event of a dispute as to
12 qualification, the State Board shall determine
13 qualification.

14 (k) a mid-point and final evaluation by an evaluator
15 during and at the end of the remediation period,
16 immediately following receipt of a remediation plan
17 provided for under subsections (i) and (j) of this
18 Section. Each evaluation shall assess the teacher's
19 performance during the time period since the prior
20 evaluation; provided that the last evaluation shall also
21 include an overall evaluation of the teacher's performance
22 during the remediation period. A written copy of the
23 evaluations and ratings, in which any deficiencies in
24 performance and recommendations for correction are
25 identified, shall be provided to and discussed with the
26 teacher within 10 school days after the date of the

1 evaluation, unless an applicable collective bargaining
2 agreement provides to the contrary. These subsequent
3 evaluations shall be conducted by an evaluator. The
4 consulting teacher shall provide advice to the teacher
5 rated "unsatisfactory" on how to improve teaching skills
6 and to successfully complete the remediation plan. The
7 consulting teacher shall participate in developing the
8 remediation plan, but the final decision as to the
9 evaluation shall be done solely by the evaluator, unless
10 an applicable collective bargaining agreement provides to
11 the contrary. Evaluations at the conclusion of the
12 remediation process shall be separate and distinct from
13 the required annual evaluations of teachers and shall not
14 be subject to the guidelines and procedures relating to
15 those annual evaluations. The evaluator may but is not
16 required to use the forms provided for the annual
17 evaluation of teachers in the district's evaluation plan.

18 (l) reinstatement to the evaluation schedule set forth
19 in the district's evaluation plan for any teacher in
20 contractual continued service who achieves a rating equal
21 to or better than "satisfactory" or "proficient" in the
22 school year following a rating of "needs improvement" or
23 "unsatisfactory".

24 (m) dismissal in accordance with subsection (d) of
25 Section 24-12 or Section 24-16.5 or 34-85 of this Code of
26 any teacher who fails to complete any applicable

1 remediation plan with a rating equal to or better than a
2 "satisfactory" or "proficient" rating. Districts and
3 teachers subject to dismissal hearings are precluded from
4 compelling the testimony of consulting teachers at such
5 hearings under subsection (d) of Section 24-12 or Section
6 24-16.5 or 34-85 of this Code, either as to the rating
7 process or for opinions of performances by teachers under
8 remediation.

9 (n) After the implementation date of an evaluation
10 system for teachers in a district as specified in Section
11 24A-2.5 of this Code, if a teacher in contractual
12 continued service successfully completes a remediation
13 plan following a rating of "unsatisfactory" in an overall
14 performance evaluation received after the foregoing
15 implementation date and receives a subsequent rating of
16 "unsatisfactory" in any of the teacher's overall
17 performance evaluation ratings received during the
18 36-month period following the teacher's completion of the
19 remediation plan, then the school district may forgo
20 remediation and seek dismissal in accordance with
21 subsection (d) of Section 24-12 or Section 34-85 of this
22 Code.

23 (o) Teachers who are due to be evaluated in the last
24 year before they are set to retire shall be offered the
25 opportunity to waive their evaluation and to retain their
26 most recent rating, unless the teacher was last rated as

1 "needs improvement" or "unsatisfactory". The school
2 district may still reserve the right to evaluate a teacher
3 provided the district gives notice to the teacher at least
4 14 days before the evaluation and a reason for evaluating
5 the teacher.

6 Nothing in this Section or Section 24A-4 shall be
7 construed as preventing immediate dismissal of a teacher for
8 deficiencies which are deemed irreparable or for actions
9 which are injurious to or endanger the health or person of
10 students in the classroom or school, or preventing the
11 dismissal or non-renewal of teachers not in contractual
12 continued service for any reason not prohibited by applicable
13 employment, labor, and civil rights laws. Failure to strictly
14 comply with the time requirements contained in Section 24A-5
15 shall not invalidate the results of the remediation plan.

16 Nothing contained in Public Act 98-648 repeals,
17 supersedes, invalidates, or nullifies final decisions in
18 lawsuits pending on July 1, 2014 (the effective date of Public
19 Act 98-648) in Illinois courts involving the interpretation of
20 Public Act 97-8.

21 If the Governor has declared a disaster due to a public
22 health emergency pursuant to Section 7 of the Illinois
23 Emergency Management Agency Act that suspends in-person
24 instruction, the timelines in this Section connected to the
25 commencement and completion of any remediation plan are
26 waived. Except if the parties mutually agree otherwise and the

1 agreement is in writing, any remediation plan that had been in
2 place for more than 45 days prior to the suspension of
3 in-person instruction shall resume when in-person instruction
4 resumes and any remediation plan that had been in place for
5 fewer than 45 days prior to the suspension of in-person
6 instruction shall be discontinued and a new remediation period
7 shall begin when in-person instruction resumes. The
8 requirements of this paragraph apply regardless of whether
9 they are included in a school district's teacher evaluation
10 plan.

11 (Source: P.A. 102-252, eff. 1-1-22; 102-729, eff. 5-6-22;
12 103-85, eff. 6-9-23; 103-605, eff. 7-1-24; revised 8-8-24.)

13 (105 ILCS 5/27-23.17)

14 Sec. 27-23.17. Workplace Readiness Week.

15 (a) Beginning with the 2024-2025 school year, all public
16 high schools, including charter schools, may designate and
17 annually observe a week known as "Workplace Readiness Week".
18 During that week, students shall be provided information on
19 their rights as workers. The topics covered shall include, but
20 are not limited to, local, State, and federal laws regarding
21 each of the following areas and shall include the labor
22 movement's role in winning the protections and benefits
23 described in those areas:

24 (1) Prohibitions against misclassification of
25 employees as independent contractors.

1 (2) Child labor.

2 (3) Wage and hour protections.

3 (4) Worker safety.

4 (5) Workers' compensation.

5 (6) Unemployment insurance.

6 (7) Paid sick leave and paid family leave.

7 (8) The right to organize a union in the workplace.

8 (9) Prohibitions against retaliation by employers when
9 workers exercise their rights as workers or any other
10 rights guaranteed by law.

11 During Workplace Readiness Week, students shall also be
12 provided information introducing them to State-approved
13 apprenticeship programs, how to access them, the variety of
14 programs available, and how they can provide an alternative
15 career path for those students who choose not to attend a
16 traditional higher education program.

17 (b) If a school observes Workplace Readiness Week under
18 this Section, then, for students in grades 11 and 12, the
19 information required to be provided in subsection (a) shall be
20 integrated into the regular school program but may also be
21 provided during special events after regular school hours.
22 Integration into the regular school program is encouraged, but
23 not required, to occur during Workplace Readiness Week.

24 (Source: P.A. 103-598, eff. 7-1-24.)

25 (105 ILCS 5/27-23.18)

1 Sec. 27-23.18 ~~27-23.17~~. Relaxation activities. Each school
2 district may provide to students, in addition to and not
3 substituting recess, at least 20 minutes a week of relaxation
4 activities to enhance the mental and physical health of
5 students as part of the school day. Relaxation activities may
6 include, but are not limited to, mindful-based movements,
7 yoga, stretching, meditation, breathing exercises, guided
8 relaxation techniques, quiet time, walking, in-person
9 conversation, and other stress-relieving activities. A school
10 district may partner with public and private community
11 organizations to provide relaxation activities. These
12 activities may take place in a physical education class,
13 social-emotional learning class, or student-support or
14 advisory class or as a part of another similar class,
15 including a new class.

16 (Source: P.A. 103-764, eff. 1-1-25; revised 12-3-24.)

17 (105 ILCS 5/27A-5)

18 (Text of Section before amendment by P.A. 102-466)

19 Sec. 27A-5. Charter school; legal entity; requirements.

20 (a) A charter school shall be a public, nonsectarian,
21 nonreligious, non-home based, and non-profit school. A charter
22 school shall be organized and operated as a nonprofit
23 corporation or other discrete, legal, nonprofit entity
24 authorized under the laws of the State of Illinois.

25 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public
2 school or attendance center to charter school status. In all
3 new applications to establish a charter school in a city
4 having a population exceeding 500,000, operation of the
5 charter school shall be limited to one campus. This limitation
6 does not apply to charter schools existing or approved on or
7 before April 16, 2003.

8 (b-5) (Blank).

9 (c) A charter school shall be administered and governed by
10 its board of directors or other governing body in the manner
11 provided in its charter. The governing body of a charter
12 school shall be subject to the Freedom of Information Act and
13 the Open Meetings Act. A charter school's board of directors
14 or other governing body must include at least one parent or
15 guardian of a pupil currently enrolled in the charter school
16 who may be selected through the charter school or a charter
17 network election, appointment by the charter school's board of
18 directors or other governing body, or by the charter school's
19 Parent Teacher Organization or its equivalent.

20 (c-5) No later than January 1, 2021 or within the first
21 year of his or her first term, every voting member of a charter
22 school's board of directors or other governing body shall
23 complete a minimum of 4 hours of professional development
24 leadership training to ensure that each member has sufficient
25 familiarity with the board's or governing body's role and
26 responsibilities, including financial oversight and

1 accountability of the school, evaluating the principal's and
2 school's performance, adherence to the Freedom of Information
3 Act and the Open Meetings Act, and compliance with education
4 and labor law. In each subsequent year of his or her term, a
5 voting member of a charter school's board of directors or
6 other governing body shall complete a minimum of 2 hours of
7 professional development training in these same areas. The
8 training under this subsection may be provided or certified by
9 a statewide charter school membership association or may be
10 provided or certified by other qualified providers approved by
11 the State Board.

12 (d) For purposes of this subsection (d), "non-curricular
13 health and safety requirement" means any health and safety
14 requirement created by statute or rule to provide, maintain,
15 preserve, or safeguard safe or healthful conditions for
16 students and school personnel or to eliminate, reduce, or
17 prevent threats to the health and safety of students and
18 school personnel. "Non-curricular health and safety
19 requirement" does not include any course of study or
20 specialized instructional requirement for which the State
21 Board has established goals and learning standards or which is
22 designed primarily to impart knowledge and skills for students
23 to master and apply as an outcome of their education.

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. The State Board shall

1 promulgate and post on its Internet website a list of
2 non-curricular health and safety requirements that a charter
3 school must meet. The list shall be updated annually no later
4 than September 1. Any charter contract between a charter
5 school and its authorizer must contain a provision that
6 requires the charter school to follow the list of all
7 non-curricular health and safety requirements promulgated by
8 the State Board and any non-curricular health and safety
9 requirements added by the State Board to such list during the
10 term of the charter. Nothing in this subsection (d) precludes
11 an authorizer from including non-curricular health and safety
12 requirements in a charter school contract that are not
13 contained in the list promulgated by the State Board,
14 including non-curricular health and safety requirements of the
15 authorizing local school board.

16 (e) Except as otherwise provided in the School Code, a
17 charter school shall not charge tuition; provided that a
18 charter school may charge reasonable fees for textbooks,
19 instructional materials, and student activities.

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs, including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school. The contractor shall not be an employee of the charter
26 school or affiliated with the charter school or its authorizer

1 in any way, other than to audit the charter school's finances.
2 To ensure financial accountability for the use of public
3 funds, on or before December 1 of every year of operation, each
4 charter school shall submit to its authorizer and the State
5 Board a copy of its audit and a copy of the Form 990 the
6 charter school filed that year with the federal Internal
7 Revenue Service. In addition, if deemed necessary for proper
8 financial oversight of the charter school, an authorizer may
9 require quarterly financial statements from each charter
10 school.

11 (g) A charter school shall comply with all provisions of
12 this Article, the Illinois Educational Labor Relations Act,
13 all federal and State laws and rules applicable to public
14 schools that pertain to special education and the instruction
15 of English learners, and its charter. A charter school is
16 exempt from all other State laws and regulations in this Code
17 governing public schools and local school board policies;
18 however, a charter school is not exempt from the following:

19 (1) Sections 10-21.9 and 34-18.5 of this Code
20 regarding criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer
22 and Violent Offender Against Youth Database of applicants
23 for employment;

24 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
25 and 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

2 (4) Section 108.75 of the General Not For Profit
3 Corporation Act of 1986 regarding indemnification of
4 officers, directors, employees, and agents;

5 (5) the Abused and Neglected Child Reporting Act;

6 (5.5) subsection (b) of Section 10-23.12 and
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

9 (7) Section 10-17a of this Code regarding school
10 report cards;

11 (8) the P-20 Longitudinal Education Data System Act;

12 (9) Section 27-23.7 of this Code regarding bullying
13 prevention;

14 (10) Section 2-3.162 of this Code regarding student
15 discipline reporting;

16 (11) Sections 22-80 and 27-8.1 of this Code;

17 (12) Sections 10-20.60 and 34-18.53 of this Code;

18 (13) Sections 10-20.63 and 34-18.56 of this Code;

19 (14) Sections 22-90 and 26-18 of this Code;

20 (15) Section 22-30 of this Code;

21 (16) Sections 24-12 and 34-85 of this Code;

22 (17) the Seizure Smart School Act;

23 (18) Section 2-3.64a-10 of this Code;

24 (19) Sections 10-20.73 and 34-21.9 of this Code;

25 (20) Section 10-22.25b of this Code;

26 (21) Section 27-9.1a of this Code;

1 (22) Section 27-9.1b of this Code;

2 (23) Section 34-18.8 of this Code;

3 (25) Section 2-3.188 of this Code;

4 (26) Section 22-85.5 of this Code;

5 (27) subsections (d-10), (d-15), and (d-20) of Section
6 10-20.56 of this Code;

7 (28) Sections 10-20.83 and 34-18.78 of this Code;

8 (29) Section 10-20.13 of this Code;

9 (30) Section 28-19.2 of this Code;

10 (31) Section 34-21.6 of this Code;

11 (32) Section 22-85.10 of this Code;

12 (33) Section 2-3.196 of this Code;

13 (34) Section 22-95 of this Code;

14 (35) Section 34-18.62 of this Code;

15 (36) the Illinois Human Rights Act; and

16 (37) Section 2-3.204 of this Code.

17 The change made by Public Act 96-104 to this subsection
18 (g) is declaratory of existing law.

19 (h) A charter school may negotiate and contract with a
20 school district, the governing body of a State college or
21 university or public community college, or any other public or
22 for-profit or nonprofit private entity for: (i) the use of a
23 school building and grounds or any other real property or
24 facilities that the charter school desires to use or convert
25 for use as a charter school site, (ii) the operation and
26 maintenance thereof, and (iii) the provision of any service,

1 activity, or undertaking that the charter school is required
2 to perform in order to carry out the terms of its charter.
3 Except as provided in subsection (i) of this Section, a school
4 district may charge a charter school reasonable rent for the
5 use of the district's buildings, grounds, and facilities. Any
6 services for which a charter school contracts with a school
7 district shall be provided by the district at cost. Any
8 services for which a charter school contracts with a local
9 school board or with the governing body of a State college or
10 university or public community college shall be provided by
11 the public entity at cost.

12 (i) In no event shall a charter school that is established
13 by converting an existing school or attendance center to
14 charter school status be required to pay rent for space that is
15 deemed available, as negotiated and provided in the charter
16 agreement, in school district facilities. However, all other
17 costs for the operation and maintenance of school district
18 facilities that are used by the charter school shall be
19 subject to negotiation between the charter school and the
20 local school board and shall be set forth in the charter.

21 (j) A charter school may limit student enrollment by age
22 or grade level.

23 (k) If the charter school is authorized by the State
24 Board, then the charter school is its own local education
25 agency.

26 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;

1 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
2 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
3 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
4 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
5 eff. 6-30-23; 103-472, eff. 8-1-24; 103-605, eff. 7-1-24;
6 103-641, eff. 7-1-24; 103-806, eff. 1-1-25; revised 10-9-24.)

7 (Text of Section after amendment by P.A. 102-466)

8 Sec. 27A-5. Charter school; legal entity; requirements.

9 (a) A charter school shall be a public, nonsectarian,
10 nonreligious, non-home based, and non-profit school. A charter
11 school shall be organized and operated as a nonprofit
12 corporation or other discrete, legal, nonprofit entity
13 authorized under the laws of the State of Illinois.

14 (b) A charter school may be established under this Article
15 by creating a new school or by converting an existing public
16 school or attendance center to charter school status. In all
17 new applications to establish a charter school in a city
18 having a population exceeding 500,000, operation of the
19 charter school shall be limited to one campus. This limitation
20 does not apply to charter schools existing or approved on or
21 before April 16, 2003.

22 (b-5) (Blank).

23 (c) A charter school shall be administered and governed by
24 its board of directors or other governing body in the manner
25 provided in its charter. The governing body of a charter

1 school shall be subject to the Freedom of Information Act and
2 the Open Meetings Act. A charter school's board of directors
3 or other governing body must include at least one parent or
4 guardian of a pupil currently enrolled in the charter school
5 who may be selected through the charter school or a charter
6 network election, appointment by the charter school's board of
7 directors or other governing body, or by the charter school's
8 Parent Teacher Organization or its equivalent.

9 (c-5) No later than January 1, 2021 or within the first
10 year of his or her first term, every voting member of a charter
11 school's board of directors or other governing body shall
12 complete a minimum of 4 hours of professional development
13 leadership training to ensure that each member has sufficient
14 familiarity with the board's or governing body's role and
15 responsibilities, including financial oversight and
16 accountability of the school, evaluating the principal's and
17 school's performance, adherence to the Freedom of Information
18 Act and the Open Meetings Act, and compliance with education
19 and labor law. In each subsequent year of his or her term, a
20 voting member of a charter school's board of directors or
21 other governing body shall complete a minimum of 2 hours of
22 professional development training in these same areas. The
23 training under this subsection may be provided or certified by
24 a statewide charter school membership association or may be
25 provided or certified by other qualified providers approved by
26 the State Board.

1 (d) For purposes of this subsection (d), "non-curricular
2 health and safety requirement" means any health and safety
3 requirement created by statute or rule to provide, maintain,
4 preserve, or safeguard safe or healthful conditions for
5 students and school personnel or to eliminate, reduce, or
6 prevent threats to the health and safety of students and
7 school personnel. "Non-curricular health and safety
8 requirement" does not include any course of study or
9 specialized instructional requirement for which the State
10 Board has established goals and learning standards or which is
11 designed primarily to impart knowledge and skills for students
12 to master and apply as an outcome of their education.

13 A charter school shall comply with all non-curricular
14 health and safety requirements applicable to public schools
15 under the laws of the State of Illinois. The State Board shall
16 promulgate and post on its Internet website a list of
17 non-curricular health and safety requirements that a charter
18 school must meet. The list shall be updated annually no later
19 than September 1. Any charter contract between a charter
20 school and its authorizer must contain a provision that
21 requires the charter school to follow the list of all
22 non-curricular health and safety requirements promulgated by
23 the State Board and any non-curricular health and safety
24 requirements added by the State Board to such list during the
25 term of the charter. Nothing in this subsection (d) precludes
26 an authorizer from including non-curricular health and safety

1 requirements in a charter school contract that are not
2 contained in the list promulgated by the State Board,
3 including non-curricular health and safety requirements of the
4 authorizing local school board.

5 (e) Except as otherwise provided in the School Code, a
6 charter school shall not charge tuition; provided that a
7 charter school may charge reasonable fees for textbooks,
8 instructional materials, and student activities.

9 (f) A charter school shall be responsible for the
10 management and operation of its fiscal affairs, including, but
11 not limited to, the preparation of its budget. An audit of each
12 charter school's finances shall be conducted annually by an
13 outside, independent contractor retained by the charter
14 school. The contractor shall not be an employee of the charter
15 school or affiliated with the charter school or its authorizer
16 in any way, other than to audit the charter school's finances.
17 To ensure financial accountability for the use of public
18 funds, on or before December 1 of every year of operation, each
19 charter school shall submit to its authorizer and the State
20 Board a copy of its audit and a copy of the Form 990 the
21 charter school filed that year with the federal Internal
22 Revenue Service. In addition, if deemed necessary for proper
23 financial oversight of the charter school, an authorizer may
24 require quarterly financial statements from each charter
25 school.

26 (g) A charter school shall comply with all provisions of

1 this Article, the Illinois Educational Labor Relations Act,
2 all federal and State laws and rules applicable to public
3 schools that pertain to special education and the instruction
4 of English learners, and its charter. A charter school is
5 exempt from all other State laws and regulations in this Code
6 governing public schools and local school board policies;
7 however, a charter school is not exempt from the following:

8 (1) Sections 10-21.9 and 34-18.5 of this Code
9 regarding criminal history records checks and checks of
10 the Statewide Sex Offender Database and Statewide Murderer
11 and Violent Offender Against Youth Database of applicants
12 for employment;

13 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
14 and 34-84a of this Code regarding discipline of students;

15 (3) the Local Governmental and Governmental Employees
16 Tort Immunity Act;

17 (4) Section 108.75 of the General Not For Profit
18 Corporation Act of 1986 regarding indemnification of
19 officers, directors, employees, and agents;

20 (5) the Abused and Neglected Child Reporting Act;

21 (5.5) subsection (b) of Section 10-23.12 and
22 subsection (b) of Section 34-18.6 of this Code;

23 (6) the Illinois School Student Records Act;

24 (7) Section 10-17a of this Code regarding school
25 report cards;

26 (8) the P-20 Longitudinal Education Data System Act;

1 (9) Section 27-23.7 of this Code regarding bullying
2 prevention;

3 (10) Section 2-3.162 of this Code regarding student
4 discipline reporting;

5 (11) Sections 22-80 and 27-8.1 of this Code;

6 (12) Sections 10-20.60 and 34-18.53 of this Code;

7 (13) Sections 10-20.63 and 34-18.56 of this Code;

8 (14) Sections 22-90 and 26-18 of this Code;

9 (15) Section 22-30 of this Code;

10 (16) Sections 24-12 and 34-85 of this Code;

11 (17) the Seizure Smart School Act;

12 (18) Section 2-3.64a-10 of this Code;

13 (19) Sections 10-20.73 and 34-21.9 of this Code;

14 (20) Section 10-22.25b of this Code;

15 (21) Section 27-9.1a of this Code;

16 (22) Section 27-9.1b of this Code;

17 (23) Section 34-18.8 of this Code;

18 (24) Article 26A of this Code;

19 (25) Section 2-3.188 of this Code;

20 (26) Section 22-85.5 of this Code;

21 (27) subsections (d-10), (d-15), and (d-20) of Section
22 10-20.56 of this Code;

23 (28) Sections 10-20.83 and 34-18.78 of this Code;

24 (29) Section 10-20.13 of this Code;

25 (30) Section 28-19.2 of this Code;

26 (31) Section 34-21.6 of this Code;

1 (32) Section 22-85.10 of this Code;

2 (33) Section 2-3.196 of this Code;

3 (34) Section 22-95 of this Code;

4 (35) Section 34-18.62 of this Code;

5 (36) the Illinois Human Rights Act; and

6 (37) Section 2-3.204 of this Code.

7 The change made by Public Act 96-104 to this subsection
8 (g) is declaratory of existing law.

9 (h) A charter school may negotiate and contract with a
10 school district, the governing body of a State college or
11 university or public community college, or any other public or
12 for-profit or nonprofit private entity for: (i) the use of a
13 school building and grounds or any other real property or
14 facilities that the charter school desires to use or convert
15 for use as a charter school site, (ii) the operation and
16 maintenance thereof, and (iii) the provision of any service,
17 activity, or undertaking that the charter school is required
18 to perform in order to carry out the terms of its charter.
19 Except as provided in subsection (i) of this Section, a school
20 district may charge a charter school reasonable rent for the
21 use of the district's buildings, grounds, and facilities. Any
22 services for which a charter school contracts with a school
23 district shall be provided by the district at cost. Any
24 services for which a charter school contracts with a local
25 school board or with the governing body of a State college or
26 university or public community college shall be provided by

1 the public entity at cost.

2 (i) In no event shall a charter school that is established
3 by converting an existing school or attendance center to
4 charter school status be required to pay rent for space that is
5 deemed available, as negotiated and provided in the charter
6 agreement, in school district facilities. However, all other
7 costs for the operation and maintenance of school district
8 facilities that are used by the charter school shall be
9 subject to negotiation between the charter school and the
10 local school board and shall be set forth in the charter.

11 (j) A charter school may limit student enrollment by age
12 or grade level.

13 (k) If the charter school is authorized by the State
14 Board, then the charter school is its own local education
15 agency.

16 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
17 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.
18 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
19 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
20 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
21 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; 103-605,
22 eff. 7-1-24; 103-641, eff. 7-1-24; 103-806, eff. 1-1-25;
23 revised 11-26-24.)

24 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

25 Sec. 34-18. Powers of the board. The board shall exercise

1 general supervision and jurisdiction over the public education
2 and the public school system of the city, and, except as
3 otherwise provided by this Article, shall have power:

4 1. To make suitable provision for the establishment
5 and maintenance throughout the year or for such portion
6 thereof as it may direct, not less than 9 months and in
7 compliance with Section 10-19.05, of schools of all grades
8 and kinds, including normal schools, high schools, night
9 schools, schools for defectives and delinquents, parental
10 and truant schools, schools for the blind, the deaf, and
11 persons with physical disabilities, schools or classes in
12 manual training, constructural and vocational teaching,
13 domestic arts, and physical culture, vocation and
14 extension schools and lecture courses, and all other
15 educational courses and facilities, including
16 establishing, equipping, maintaining and operating
17 playgrounds and recreational programs, when such programs
18 are conducted in, adjacent to, or connected with any
19 public school under the general supervision and
20 jurisdiction of the board; provided that the calendar for
21 the school term and any changes must be submitted to and
22 approved by the State Board of Education before the
23 calendar or changes may take effect, and provided that in
24 allocating funds from year to year for the operation of
25 all attendance centers within the district, the board
26 shall ensure that supplemental general State aid or

1 supplemental grant funds are allocated and applied in
2 accordance with Section 18-8, 18-8.05, or 18-8.15. To
3 admit to such schools without charge foreign exchange
4 students who are participants in an organized exchange
5 student program which is authorized by the board. The
6 board shall permit all students to enroll in
7 apprenticeship programs in trade schools operated by the
8 board, whether those programs are union-sponsored or not.
9 No student shall be refused admission into or be excluded
10 from any course of instruction offered in the common
11 schools by reason of that student's sex. No student shall
12 be denied equal access to physical education and
13 interscholastic athletic programs supported from school
14 district funds or denied participation in comparable
15 physical education and athletic programs solely by reason
16 of the student's sex. Equal access to programs supported
17 from school district funds and comparable programs will be
18 defined in rules promulgated by the State Board of
19 Education in consultation with the Illinois High School
20 Association. Notwithstanding any other provision of this
21 Article, neither the board of education nor any local
22 school council or other school official shall recommend
23 that children with disabilities be placed into regular
24 education classrooms unless those children with
25 disabilities are provided with supplementary services to
26 assist them so that they benefit from the regular

1 classroom instruction and are included on the teacher's
2 regular education class register;

3 2. To furnish lunches to pupils, to make a reasonable
4 charge therefor, and to use school funds for the payment
5 of such expenses as the board may determine are necessary
6 in conducting the school lunch program;

7 3. To co-operate with the circuit court;

8 4. To make arrangements with the public or
9 quasi-public libraries and museums for the use of their
10 facilities by teachers and pupils of the public schools;

11 5. To employ dentists and prescribe their duties for
12 the purpose of treating the pupils in the schools, but
13 accepting such treatment shall be optional with parents or
14 guardians;

15 6. To grant the use of assembly halls and classrooms
16 when not otherwise needed, including light, heat, and
17 attendants, for free public lectures, concerts, and other
18 educational and social interests, free of charge, under
19 such provisions and control as the principal of the
20 affected attendance center may prescribe;

21 7. To apportion the pupils to the several schools;
22 provided that no pupil shall be excluded from or
23 segregated in any such school on account of his color,
24 race, sex, or nationality. The board shall take into
25 consideration the prevention of segregation and the
26 elimination of separation of children in public schools

1 because of color, race, sex, or nationality. Except that
2 children may be committed to or attend parental and social
3 adjustment schools established and maintained either for
4 boys or girls only. All records pertaining to the
5 creation, alteration or revision of attendance areas shall
6 be open to the public. Nothing herein shall limit the
7 board's authority to establish multi-area attendance
8 centers or other student assignment systems for
9 desegregation purposes or otherwise, and to apportion the
10 pupils to the several schools. Furthermore, beginning in
11 school year 1994-95, pursuant to a board plan adopted by
12 October 1, 1993, the board shall offer, commencing on a
13 phased-in basis, the opportunity for families within the
14 school district to apply for enrollment of their children
15 in any attendance center within the school district which
16 does not have selective admission requirements approved by
17 the board. The appropriate geographical area in which such
18 open enrollment may be exercised shall be determined by
19 the board of education. Such children may be admitted to
20 any such attendance center on a space available basis
21 after all children residing within such attendance
22 center's area have been accommodated. If the number of
23 applicants from outside the attendance area exceed the
24 space available, then successful applicants shall be
25 selected by lottery. The board of education's open
26 enrollment plan must include provisions that allow

1 low-income students to have access to transportation
2 needed to exercise school choice. Open enrollment shall be
3 in compliance with the provisions of the Consent Decree
4 and Desegregation Plan cited in Section 34-1.01;

5 8. To approve programs and policies for providing
6 transportation services to students. Nothing herein shall
7 be construed to permit or empower the State Board of
8 Education to order, mandate, or require busing or other
9 transportation of pupils for the purpose of achieving
10 racial balance in any school;

11 9. Subject to the limitations in this Article, to
12 establish and approve system-wide curriculum objectives
13 and standards, including graduation standards, which
14 reflect the multi-cultural diversity in the city and are
15 consistent with State law, provided that for all purposes
16 of this Article courses or proficiency in American Sign
17 Language shall be deemed to constitute courses or
18 proficiency in a foreign language; and to employ
19 principals and teachers, appointed as provided in this
20 Article, and fix their compensation. The board shall
21 prepare such reports related to minimal competency testing
22 as may be requested by the State Board of Education and, in
23 addition, shall monitor and approve special education and
24 bilingual education programs and policies within the
25 district to ensure that appropriate services are provided
26 in accordance with applicable State and federal laws to

1 children requiring services and education in those areas;

2 10. To employ non-teaching personnel or utilize
3 volunteer personnel for: (i) non-teaching duties not
4 requiring instructional judgment or evaluation of pupils,
5 including library duties; and (ii) supervising study
6 halls, long distance teaching reception areas used
7 incident to instructional programs transmitted by
8 electronic media such as computers, video, and audio,
9 detention and discipline areas, and school-sponsored
10 extracurricular activities. The board may further utilize
11 volunteer nonlicensed personnel or employ nonlicensed
12 personnel to assist in the instruction of pupils under the
13 immediate supervision of a teacher holding a valid
14 educator license, directly engaged in teaching subject
15 matter or conducting activities; provided that the teacher
16 shall be continuously aware of the nonlicensed persons'
17 activities and shall be able to control or modify them.
18 The general superintendent shall determine qualifications
19 of such personnel and shall prescribe rules for
20 determining the duties and activities to be assigned to
21 such personnel;

22 10.5. To utilize volunteer personnel from a regional
23 School Crisis Assistance Team (S.C.A.T.), created as part
24 of the Safe to Learn Program established pursuant to
25 Section 25 of the Illinois Violence Prevention Act of
26 1995, to provide assistance to schools in times of

1 violence or other traumatic incidents within a school
2 community by providing crisis intervention services to
3 lessen the effects of emotional trauma on individuals and
4 the community; the School Crisis Assistance Team Steering
5 Committee shall determine the qualifications for
6 volunteers;

7 11. To provide television studio facilities in not to
8 exceed one school building and to provide programs for
9 educational purposes, provided, however, that the board
10 shall not construct, acquire, operate, or maintain a
11 television transmitter; to grant the use of its studio
12 facilities to a licensed television station located in the
13 school district; and to maintain and operate not to exceed
14 one school radio transmitting station and provide programs
15 for educational purposes;

16 12. To offer, if deemed appropriate, outdoor education
17 courses, including field trips within the State of
18 Illinois, or adjacent states, and to use school
19 educational funds for the expense of the said outdoor
20 educational programs, whether within the school district
21 or not;

22 13. During that period of the calendar year not
23 embraced within the regular school term, to provide and
24 conduct courses in subject matters normally embraced in
25 the program of the schools during the regular school term
26 and to give regular school credit for satisfactory

1 completion by the student of such courses as may be
2 approved for credit by the State Board of Education;

3 14. To insure against any loss or liability of the
4 board, the former School Board Nominating Commission,
5 Local School Councils, the Chicago Schools Academic
6 Accountability Council, or the former Subdistrict Councils
7 or of any member, officer, agent, or employee thereof,
8 resulting from alleged violations of civil rights arising
9 from incidents occurring on or after September 5, 1967 or
10 from the wrongful or negligent act or omission of any such
11 person whether occurring within or without the school
12 premises, provided the officer, agent, or employee was, at
13 the time of the alleged violation of civil rights or
14 wrongful act or omission, acting within the scope of his
15 or her employment or under direction of the board, the
16 former School Board Nominating Commission, the Chicago
17 Schools Academic Accountability Council, Local School
18 Councils, or the former Subdistrict Councils; and to
19 provide for or participate in insurance plans for its
20 officers and employees, including, but not limited to,
21 retirement annuities, medical, surgical and
22 hospitalization benefits in such types and amounts as may
23 be determined by the board; provided, however, that the
24 board shall contract for such insurance only with an
25 insurance company authorized to do business in this State.
26 Such insurance may include provision for employees who

1 rely on treatment by prayer or spiritual means alone for
2 healing, in accordance with the tenets and practice of a
3 recognized religious denomination;

4 15. To contract with the corporate authorities of any
5 municipality or the county board of any county, as the
6 case may be, to provide for the regulation of traffic in
7 parking areas of property used for school purposes, in
8 such manner as is provided by Section 11-209 of the
9 Illinois Vehicle Code;

10 16. (a) To provide, on an equal basis, access to a high
11 school campus and student directory information to the
12 official recruiting representatives of the armed forces of
13 Illinois and the United States for the purposes of
14 informing students of the educational and career
15 opportunities available in the military if the board has
16 provided such access to persons or groups whose purpose is
17 to acquaint students with educational or occupational
18 opportunities available to them. The board is not required
19 to give greater notice regarding the right of access to
20 recruiting representatives than is given to other persons
21 and groups. In this paragraph 16, "directory information"
22 means a high school student's name, address, and telephone
23 number.

24 (b) If a student or his or her parent or guardian
25 submits a signed, written request to the high school
26 before the end of the student's sophomore year (or if the

1 student is a transfer student, by another time set by the
2 high school) that indicates that the student or his or her
3 parent or guardian does not want the student's directory
4 information to be provided to official recruiting
5 representatives under subsection (a) of this Section, the
6 high school may not provide access to the student's
7 directory information to these recruiting representatives.
8 The high school shall notify its students and their
9 parents or guardians of the provisions of this subsection
10 (b).

11 (c) A high school may require official recruiting
12 representatives of the armed forces of Illinois and the
13 United States to pay a fee for copying and mailing a
14 student's directory information in an amount that is not
15 more than the actual costs incurred by the high school.

16 (d) Information received by an official recruiting
17 representative under this Section may be used only to
18 provide information to students concerning educational and
19 career opportunities available in the military and may not
20 be released to a person who is not involved in recruiting
21 students for the armed forces of Illinois or the United
22 States;

23 17. (a) To sell or market any computer program
24 developed by an employee of the school district, provided
25 that such employee developed the computer program as a
26 direct result of his or her duties with the school

1 district or through the utilization of school district
2 resources or facilities. The employee who developed the
3 computer program shall be entitled to share in the
4 proceeds of such sale or marketing of the computer
5 program. The distribution of such proceeds between the
6 employee and the school district shall be as agreed upon
7 by the employee and the school district, except that
8 neither the employee nor the school district may receive
9 more than 90% of such proceeds. The negotiation for an
10 employee who is represented by an exclusive bargaining
11 representative may be conducted by such bargaining
12 representative at the employee's request.

13 (b) For the purpose of this paragraph 17:

14 (1) "Computer" means an internally programmed, general
15 purpose digital device capable of automatically accepting
16 data, processing data and supplying the results of the
17 operation.

18 (2) "Computer program" means a series of coded
19 instructions or statements in a form acceptable to a
20 computer, which causes the computer to process data in
21 order to achieve a certain result.

22 (3) "Proceeds" means profits derived from the
23 marketing or sale of a product after deducting the
24 expenses of developing and marketing such product;

25 18. To delegate to the general superintendent of
26 schools, by resolution, the authority to approve contracts

1 and expenditures in amounts of \$35,000 or less;

2 19. Upon the written request of an employee, to
3 withhold from the compensation of that employee any dues,
4 payments, or contributions payable by such employee to any
5 labor organization as defined in the Illinois Educational
6 Labor Relations Act. Under such arrangement, an amount
7 shall be withheld from each regular payroll period which
8 is equal to the pro rata share of the annual dues plus any
9 payments or contributions, and the board shall transmit
10 such withholdings to the specified labor organization
11 within 10 working days from the time of the withholding;

12 19a. Upon receipt of notice from the comptroller of a
13 municipality with a population of 500,000 or more, a
14 county with a population of 3,000,000 or more, the Cook
15 County Forest Preserve District, the Chicago Park
16 District, the Metropolitan Water Reclamation District, the
17 Chicago Transit Authority, or a housing authority of a
18 municipality with a population of 500,000 or more that a
19 debt is due and owing the municipality, the county, the
20 Cook County Forest Preserve District, the Chicago Park
21 District, the Metropolitan Water Reclamation District, the
22 Chicago Transit Authority, or the housing authority by an
23 employee of the Chicago Board of Education, to withhold,
24 from the compensation of that employee, the amount of the
25 debt that is due and owing and pay the amount withheld to
26 the municipality, the county, the Cook County Forest

1 Preserve District, the Chicago Park District, the
2 Metropolitan Water Reclamation District, the Chicago
3 Transit Authority, or the housing authority; provided,
4 however, that the amount deducted from any one salary or
5 wage payment shall not exceed 25% of the net amount of the
6 payment. Before the Board deducts any amount from any
7 salary or wage of an employee under this paragraph, the
8 municipality, the county, the Cook County Forest Preserve
9 District, the Chicago Park District, the Metropolitan
10 Water Reclamation District, the Chicago Transit Authority,
11 or the housing authority shall certify that (i) the
12 employee has been afforded an opportunity for a hearing to
13 dispute the debt that is due and owing the municipality,
14 the county, the Cook County Forest Preserve District, the
15 Chicago Park District, the Metropolitan Water Reclamation
16 District, the Chicago Transit Authority, or the housing
17 authority and (ii) the employee has received notice of a
18 wage deduction order and has been afforded an opportunity
19 for a hearing to object to the order. For purposes of this
20 paragraph, "net amount" means that part of the salary or
21 wage payment remaining after the deduction of any amounts
22 required by law to be deducted and "debt due and owing"
23 means (i) a specified sum of money owed to the
24 municipality, the county, the Cook County Forest Preserve
25 District, the Chicago Park District, the Metropolitan
26 Water Reclamation District, the Chicago Transit Authority,

1 or the housing authority for services, work, or goods,
2 after the period granted for payment has expired, or (ii)
3 a specified sum of money owed to the municipality, the
4 county, the Cook County Forest Preserve District, the
5 Chicago Park District, the Metropolitan Water Reclamation
6 District, the Chicago Transit Authority, or the housing
7 authority pursuant to a court order or order of an
8 administrative hearing officer after the exhaustion of, or
9 the failure to exhaust, judicial review;

10 20. The board is encouraged to employ a sufficient
11 number of licensed school counselors to maintain a
12 student/counselor ratio of 250 to 1. Each counselor shall
13 spend at least 75% of his work time in direct contact with
14 students and shall maintain a record of such time;

15 21. To make available to students vocational and
16 career counseling and to establish 5 special career
17 counseling days for students and parents. On these days
18 representatives of local businesses and industries shall
19 be invited to the school campus and shall inform students
20 of career opportunities available to them in the various
21 businesses and industries. Special consideration shall be
22 given to counseling minority students as to career
23 opportunities available to them in various fields. For the
24 purposes of this paragraph, minority student means a
25 person who is any of the following:

26 (a) American Indian or Alaska Native (a person having

1 origins in any of the original peoples of North and South
2 America, including Central America, and who maintains
3 tribal affiliation or community attachment).

4 (b) Asian (a person having origins in any of the
5 original peoples of the Far East, Southeast Asia, or the
6 Indian subcontinent, including, but not limited to,
7 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
8 the Philippine Islands, Thailand, and Vietnam).

9 (c) Black or African American (a person having origins
10 in any of the black racial groups of Africa).

11 (d) Hispanic or Latino (a person of Cuban, Mexican,
12 Puerto Rican, South or Central American, or other Spanish
13 culture or origin, regardless of race).

14 (e) Native Hawaiian or Other Pacific Islander (a
15 person having origins in any of the original peoples of
16 Hawaii, Guam, Samoa, or other Pacific Islands).

17 Counseling days shall not be in lieu of regular school
18 days;

19 22. To report to the State Board of Education the
20 annual student dropout rate and number of students who
21 graduate from, transfer from, or otherwise leave bilingual
22 programs;

23 23. Except as otherwise provided in the Abused and
24 Neglected Child Reporting Act or other applicable State or
25 federal law, to permit school officials to withhold, from
26 any person, information on the whereabouts of any child

1 removed from school premises when the child has been taken
2 into protective custody as a victim of suspected child
3 abuse. School officials shall direct such person to the
4 Department of Children and Family Services or to the local
5 law enforcement agency, if appropriate;

6 24. To develop a policy, based on the current state of
7 existing school facilities, projected enrollment, and
8 efficient utilization of available resources, for capital
9 improvement of schools and school buildings within the
10 district, addressing in that policy both the relative
11 priority for major repairs, renovations, and additions to
12 school facilities and the advisability or necessity of
13 building new school facilities or closing existing schools
14 to meet current or projected demographic patterns within
15 the district;

16 25. To make available to the students in every high
17 school attendance center the ability to take all courses
18 necessary to comply with the Board of Higher Education's
19 college entrance criteria effective in 1993;

20 26. To encourage mid-career changes into the teaching
21 profession, whereby qualified professionals become
22 licensed teachers, by allowing credit for professional
23 employment in related fields when determining point of
24 entry on the teacher pay scale;

25 27. To provide or contract out training programs for
26 administrative personnel and principals with revised or

1 expanded duties pursuant to this Code in order to ensure
2 they have the knowledge and skills to perform their
3 duties;

4 28. To establish a fund for the prioritized special
5 needs programs, and to allocate such funds and other lump
6 sum amounts to each attendance center in a manner
7 consistent with the provisions of part 4 of Section
8 34-2.3. Nothing in this paragraph shall be construed to
9 require any additional appropriations of State funds for
10 this purpose;

11 29. (Blank);

12 30. Notwithstanding any other provision of this Act or
13 any other law to the contrary, to contract with third
14 parties for services otherwise performed by employees,
15 including those in a bargaining unit, and to lay off
16 ~~layoff~~ those employees upon 14 days' ~~days~~ written notice
17 to the affected employees. Those contracts may be for a
18 period not to exceed 5 years and may be awarded on a
19 system-wide basis. The board may not operate more than 30
20 contract schools, provided that the board may operate an
21 additional 5 contract turnaround schools pursuant to item
22 (5.5) of subsection (d) of Section 34-8.3 of this Code,
23 and the governing bodies of contract schools are subject
24 to the Freedom of Information Act and Open Meetings Act;

25 31. To promulgate rules establishing procedures
26 governing the layoff or reduction in force of employees

1 and the recall of such employees, including, but not
2 limited to, criteria for such layoffs, reductions in force
3 or recall rights of such employees and the weight to be
4 given to any particular criterion. Such criteria shall
5 take into account factors, including, but not limited to,
6 qualifications, certifications, experience, performance
7 ratings or evaluations, and any other factors relating to
8 an employee's job performance;

9 32. To develop a policy to prevent nepotism in the
10 hiring of personnel or the selection of contractors;

11 33. (Blank); and

12 34. To establish a Labor Management Council to the
13 board comprised of representatives of the board, the chief
14 executive officer, and those labor organizations that are
15 the exclusive representatives of employees of the board
16 and to promulgate policies and procedures for the
17 operation of the Council.

18 The specifications of the powers herein granted are not to
19 be construed as exclusive, but the board shall also exercise
20 all other powers that may be requisite or proper for the
21 maintenance and the development of a public school system, not
22 inconsistent with the other provisions of this Article or
23 provisions of this Code which apply to all school districts.

24 In addition to the powers herein granted and authorized to
25 be exercised by the board, it shall be the duty of the board to
26 review or to direct independent reviews of special education

1 expenditures and services. The board shall file a report of
2 such review with the General Assembly on or before May 1, 1990.
3 (Source: P.A. 102-465, eff. 1-1-22; 102-558, eff. 8-20-21;
4 102-894, eff. 5-20-22; 103-8, eff. 1-1-24; revised 7-17-24.)

5 (105 ILCS 5/34-18.68)

6 Sec. 34-18.68. Chicago Board of Education Non-Citizen
7 Advisory Board.

8 (a) The Chicago Board of Education Non-Citizen ~~Diversity~~
9 Advisory Board is created to provide non-citizen students with
10 maximum opportunity for success during their elementary and
11 secondary education experience.

12 (b) The Chicago Board of Education Non-Citizen Advisory
13 Board is composed of individuals appointed by the Mayor to
14 advise the Chicago Board of Education on but not limited to
15 the following issues:

16 (1) Appropriate ways to create an equitable and
17 inclusive learning environment for non-citizen students;

18 (2) Strengthening student, parent, and guardian
19 privacy and confidentiality in school-related issues;

20 (3) Establishing appropriate communication methods
21 between the district and non-citizen students to maximize
22 interactions between the student's school, parents, and
23 guardians;

24 (4) Ensuring principals and other district leaders
25 learn and disseminate information on resources available

1 to non-citizen students and their families;

2 (5) Developing appropriate methods by which
3 non-citizen students are encouraged and supported to
4 continue their education at an institution of higher
5 education; and

6 (6) Providing the perspective of non-citizen families
7 and students who are affected by Board actions,
8 governance, policies, and procedures.

9 (Source: P.A. 102-177, eff. 6-1-22; revised 10-23-24.)

10 (105 ILCS 5/34-18.85)

11 Sec. 34-18.85. Chicago Board of Education Black Student
12 Achievement Committee.

13 (a) The Chicago Board of Education Black Student
14 Achievement Committee is created to be a standing committee of
15 the Board with the purpose of providing Black students with
16 the maximum opportunity for success in areas where research
17 shows that there has been chronic underperformance of African
18 American students during their elementary and secondary
19 education experience.

20 (b) The Chicago Board of Education Black Student
21 Achievement Committee shall be chaired by a member of the
22 Board and shall be composed of individuals appointed by the
23 President of the Board to help the Board shape educational
24 policies and to:

25 (1) develop strategies and recommendations for Black

1 student achievement and opportunity;

2 (2) use data to conduct an evidence-based needs
3 assessment to better understand needs and establish a
4 baseline for Black student achievement;

5 (3) develop a strategic management plan to identify
6 goals, objectives, and outcomes designed to bring about
7 academic parity between Black children and their peers;

8 (4) identify and track metrics and key performance
9 indicators that demonstrate positive movement toward
10 achieving the goals and objectives outlined in the
11 strategic management plan; and

12 (5) prepare and provide regular progress reports to
13 the Board and the public.

14 (c) The Committee's membership shall be diverse in terms
15 of skills and geography.

16 (Source: P.A. 103-584, eff. 3-18-24.)

17 (105 ILCS 5/34-18.87)

18 Sec. 34-18.87 ~~34-18.85~~. Automated external defibrillator;
19 attendance centers and extracurricular activities.

20 (a) As used in this Section, "automated external
21 defibrillator" has the meaning provided in the Automated
22 External Defibrillator Act.

23 (b) The school district shall require all attendance
24 centers to have present during the school day and during a
25 school-sponsored extracurricular activity on school grounds at

1 least one automated external defibrillator.

2 (c) An automated external defibrillator installed and
3 maintained in accordance with the Physical Fitness Facility
4 Medical Emergency Preparedness Act may be used to satisfy the
5 requirements of this Section.

6 (Source: P.A. 103-1019, eff. 1-1-25; revised 12-3-24.)

7 (105 ILCS 5/34-22.6) (from Ch. 122, par. 34-22.6)

8 Sec. 34-22.6. Issuance of bonds. For the purpose of
9 erecting, purchasing, or otherwise acquiring buildings
10 suitable for school houses, erecting temporary school
11 structures, erecting additions to, repairing, rehabilitating,
12 modernizing and replacing existing school buildings and
13 temporary school structures, and furnishing and equipping
14 school buildings and temporary school structures, and
15 purchasing or otherwise acquiring and improving sites for such
16 purposes, the board may incur an indebtedness and issue bonds
17 therefor in an amount or amounts not to exceed in the aggregate
18 \$150,000,000 in addition to the bonds authorized under
19 Sections 34-22.1, 34-22.2, 34-22.3, 34-22.4, 34-22.5, and
20 34-22.7. Bonds authorized under this Section may also be
21 issued for the purposes of paying interest on such bonds,
22 establishing reserves to secure such bonds and paying the
23 costs of issuance of such bonds. In connection with the
24 issuance of its bonds, the board may enter into arrangements
25 to provide additional security and liquidity for the bonds.

1 These may include, without limitation, municipal bond
2 insurance, letters of credit, lines of credit by which the
3 board may borrow funds to pay or redeem its bonds, and purchase
4 or remarketing arrangements for assuring the ability of owners
5 of the board's bonds to sell or to have redeemed their bonds.
6 The board may enter into contracts and may agree to pay fees to
7 persons providing such arrangements, including from bond
8 proceeds but only under circumstances in which the total
9 interest paid or to be paid on the bonds, together with the
10 fees for the arrangements (being treated as if interest),
11 would not, taken together, cause the bonds to bear interest,
12 calculated to their absolute maturity, at a rate in excess of
13 the maximum rate allowed by law.

14 The resolution of the board authorizing the issuance of
15 its bonds may provide that interest rates may vary from time to
16 time depending upon criteria established by the board, which
17 may include, without limitation, a variation in interest rates
18 as may be necessary to cause bonds to be remarketable from time
19 to time at a price equal to their principal amount, and may
20 provide for appointment of a national banking association,
21 bank, trust company, investment banker, or other financial
22 institution to serve as a remarketing agent in that
23 connection. The resolution of the board authorizing the
24 issuance of its bonds may provide that alternative interest
25 rates or provisions will apply during such times as the bonds
26 are held by a person providing a letter of credit or other

1 credit enhancement arrangement for those bonds. The Board may
2 use proceeds of the sale of bonds authorized under this
3 Section to pay the cost of obtaining such municipal bond
4 insurance, letter of credit, or other credit facilities. Bonds
5 may also be issued under this Section to pay the cost of
6 refunding any bonds issued under this Section, including prior
7 to their maturity. The bonds shall bear interest at a rate or
8 rates not to exceed the maximum annual rate provided for in
9 Section 2 of the Bond Authorization Act ~~"An Act to authorize~~
10 ~~public corporations to issue bonds, other evidences of~~
11 ~~indebtedness and tax anticipation warrants subject to interest~~
12 ~~rate limitations set forth therein", approved May 26, 1970, as~~
13 ~~now or hereafter amended,~~ and, if issued at such maximum
14 annual rate, shall be sold for not less than par and accrued
15 interest. If any of the bonds are issued to bear interest at a
16 rate of less than such maximum annual rate the minimum price at
17 which they may be sold shall be such that the interest cost to
18 the board on the proceeds of the bonds shall not exceed such
19 maximum annual rate computed to stated maturity according to
20 standard tables of bond values.

21 Whenever the board desires to issue bonds as authorized in
22 this Section, it shall adopt a resolution designating the
23 purpose for which the proceeds of the bonds are to be expended
24 and fixing the amount of the bonds proposed to be issued, the
25 maturity or maturities thereof, and optional provisions, if
26 any, the rate of interest thereon, and the amount of taxes to

1 be levied annually for the purpose of paying the interest upon
2 and the principal, whether due at maturity or upon sinking
3 fund installment dates, of such bonds.

4 Said bonds shall be issued in the corporate name of the
5 school district. They shall be signed by the president and
6 secretary of said board and countersigned by the mayor and the
7 comptroller (or city clerk if there be no comptroller) of the
8 city. They shall be sold by the city comptroller (or city clerk
9 if there be no comptroller) upon such terms as may be approved
10 by the board after advertisement for bids as ordered by and
11 under the direction of the board, and the proceeds thereof
12 shall be received by the city treasurer, as school treasurer,
13 and expended by the board for the purposes provided in the bond
14 resolution.

15 Before or at the time of issuing any bonds authorized in
16 this Section, the board shall provide for the levy and
17 collection of a direct annual tax upon all the taxable
18 property of such school district sufficient to pay and
19 discharge the principal thereof at maturity, or upon sinking
20 fund installment dates, and to pay the interest thereon as it
21 falls due. Such tax shall be levied and collected in like
22 manner with the other taxes of such school district and shall
23 be in addition to and exclusive of the maximum of all other
24 taxes which such board is now, or may hereafter be, authorized
25 by law to levy for any and all school purposes. Upon the filing
26 in the office of the county clerk of the county wherein such

1 school district is located of a duly certified copy of any such
2 ordinance, it shall be the duty of such county clerk to extend
3 the tax therein provided for, including an amount to cover
4 loss and cost of collecting said taxes and also deferred
5 collections thereof and abatements in the amounts of such
6 taxes as extended upon the collector's books. The ordinance
7 shall be in force upon its passage.

8 (Source: P.A. 85-1418; 86-1477; revised 7-17-24.)

9 (105 ILCS 5/34-22.10) (from Ch. 122, par. 34-22.10)

10 Sec. 34-22.10. Issuance of bonds. For the sole purpose of
11 purchasing or otherwise acquiring school buildings and related
12 property and facilities for an agricultural science school
13 pursuant to an agreement entered into pursuant to subparagraph
14 (7) of Section 34-21.1, the board may incur an indebtedness
15 and issue bonds therefor in an amount or amounts not to exceed
16 in the aggregate \$20,000,000 in addition to the bonds
17 authorized under Sections 34-22.1, 34-22.2, 34-22.3, 34-22.4,
18 34-22.5, 34-22.6, and 34-22.7. Bonds authorized under this
19 Section may also be issued for the purposes of paying interest
20 on such bonds, establishing reserves to secure such bonds and
21 paying the costs of issuance of such bonds.

22 In connection with the issuance of its bonds, the board
23 may enter into arrangements to provide additional security and
24 liquidity for the bonds. These may include, without
25 limitation, municipal bond insurance, letters of credit, lines

1 of credit by which the board may borrow funds to pay or redeem
2 its bonds, and purchase or remarketing arrangements for
3 assuring the ability of owners of the board's bonds to sell or
4 to have redeemed their bonds. The board may enter into
5 contracts and may agree to pay fees to persons providing such
6 arrangements, including from bond proceeds but only under
7 circumstances in which the total interest paid or to be paid on
8 the bonds, together with the fees for the arrangements (being
9 treated as if interest), would not, taken together, cause the
10 bonds to bear interest, calculated to their absolute maturity,
11 at a rate in excess of the maximum rate allowed by law.

12 The Board may use proceeds of the sale of bonds authorized
13 under this Section to pay the cost of obtaining such municipal
14 bond insurance, letter of credit, or other credit facilities.
15 Bonds may also be issued under this Section to pay the cost of
16 refunding any bonds issued under this Section, including prior
17 to their maturity. The bonds shall bear interest at a rate or
18 rates not to exceed the maximum annual rate provided for in
19 Section 2 of the Bond Authorization Act ~~"An Act to authorize~~
20 ~~public corporations to issue bonds, other evidences of~~
21 ~~indebtedness and tax anticipation warrants subject to interest~~
22 ~~rate limitations set forth therein", approved May 26, 1970, as~~
23 ~~now or hereafter amended,~~ and, if issued at such maximum
24 annual rate, shall be sold for not less than par and accrued
25 interest. If any of the bonds are issued to bear interest at a
26 rate of less than such maximum annual rate the minimum price at

1 which they may be sold shall be such that the interest cost to
2 the board on the proceeds of the bonds shall not exceed such
3 maximum annual rate computed to stated maturity according to
4 standard tables of bond values. The resolution of the board
5 authorizing the issuance of its bonds may provide that
6 interest rates may vary from time to time depending upon
7 criteria established by the board, which may include, without
8 limitation, a variation in interest rates as may be necessary
9 to cause bonds to be remarketable from time to time at a price
10 equal to their principal amount, and may provide for
11 appointment of a national banking association, bank, trust
12 company, investment banker, or other financial institution to
13 serve as a remarketing agent in that connection. The
14 resolution of the board authorizing the issuance of its bonds
15 may provide that alternative interest rates or provisions will
16 apply during such times as the bonds are held by a person
17 providing a letter of credit or other credit enhancement
18 arrangement for those bonds.

19 Whenever the board desires to issue bonds as authorized in
20 this Section, it shall adopt a resolution designating the
21 purpose for which the proceeds of the bonds are to be expended
22 and fixing the amount of the bonds proposed to be issued, the
23 maturity or maturities thereof, and optional provisions, if
24 any, the rate of interest thereon, and the amount of taxes to
25 be levied annually for the purpose of paying the interest upon
26 and the principal, whether due at maturity or upon sinking

1 fund installment dates, of such bonds.

2 Said bonds shall be issued in the corporate name of the
3 school district. They shall be signed by the president and
4 secretary of said board. They shall be sold upon such terms as
5 may be approved by the board after advertisement for bids as
6 ordered by and under the direction of the board, and the
7 proceeds thereof shall be received by the city treasurer, as
8 school treasurer, and expended by the board for the purposes
9 provided in the bond resolution.

10 Before or at the time of issuing any bonds authorized in
11 this Section, the board shall, by resolution, provide for the
12 levy and collection of a direct annual tax upon all the taxable
13 property of such school district sufficient to pay and
14 discharge the principal thereof at maturity, or upon sinking
15 fund installment dates, and to pay the interest thereon as it
16 falls due. Such tax shall be levied and collected in like
17 manner with the other taxes of such school district and shall
18 be in addition to and exclusive of the maximum of all other
19 taxes which such board is now, or may hereafter be, authorized
20 by law to levy for any and all school purposes. Upon the filing
21 in the office of the county clerk of the county wherein such
22 school district is located of a duly certified copy of any such
23 resolution, it shall be the duty of such county clerk to extend
24 the tax therein provided for, including an amount to cover
25 loss and cost of collecting said taxes and also deferred
26 collections thereof and abatements in the amounts of such

1 taxes as extended upon the collector's books. The resolution
2 shall be in force upon its passage.

3 (Source: P.A. 86-930; revised 7-17-24.)

4 (105 ILCS 5/34A-502) (from Ch. 122, par. 34A-502)

5 Sec. 34A-502. Terms of Bonds.

6 (a) Whenever the Authority desires or is required to issue
7 Bonds as provided in this Article, it shall adopt a resolution
8 designating the amount of the Bonds to be issued, the purposes
9 for which the proceeds of the Bonds are to be used and the
10 manner in which such proceeds shall be held pending the
11 application thereof. The Bonds shall be issued in the
12 corporate name of the Authority, shall bear such date or
13 dates, and shall mature at such time or times not exceeding 30
14 years from their date as such resolution may provide;
15 provided, however, that Bonds issued on or after July 1, 1993
16 shall mature on or before June 1, 2009. The Bonds may be issued
17 as serial bonds payable in installments or as term bonds with
18 sinking fund installments or as a combination thereof as the
19 Authority may determine in such resolution. The Bonds shall be
20 in such denominations of \$1,000 or integral multiples thereof.
21 The Bonds shall be in such form, either coupon or registered,
22 carry such registration privileges, be executed in such
23 manner, be payable at such place or places, and be subject to
24 such terms of redemption at such redemption prices, including
25 premium, as such resolution may provide. The Bonds shall be

1 sold by the Authority at public sale. The Bonds shall be sold
2 to the highest and best bidders upon sealed bids. The
3 Authority shall, from time to time as Bonds are to be sold,
4 advertise in at least 2 daily newspapers, one of which is
5 published in the City of Springfield and one in the City of
6 Chicago, for proposals to purchase Bonds. Each of such
7 advertisements for proposals shall be published at least 10
8 ~~ten~~ days prior to the date of the opening of the bids. The
9 Authority may reserve the right to reject any and all bids.

10 (b) Bonds issued prior to December 31, 1980 shall bear
11 interest at such rate or rates and at such price or prices as
12 the Authority may approve in the resolution authorizing the
13 issuance of Bonds. Bonds issued after December 31, 1980 shall
14 bear interest at a rate or rates not to exceed the maximum
15 annual rate provided for in Section 2 of the Bond
16 Authorization Act ~~"An Act to authorize public corporations to~~
17 ~~issue bonds, other evidences of indebtedness and tax~~
18 ~~anticipation warrants subject to interest rate limitations set~~
19 ~~forth therein", approved May 26, 1970, as amended, and, if~~
20 issued at such maximum annual rate, shall be sold for not less
21 than par and accrued interest. If any of the Bonds are issued
22 to bear interest at a rate of less than such maximum annual
23 rate the minimum price at which they may be sold shall be such
24 that the interest cost to the Authority on the proceeds of the
25 Bonds shall not exceed such maximum annual rate computed to
26 stated maturity according to standard tables of bond values.

1 (c) In connection with the issuance of its Bonds, the
2 Authority may enter into arrangements to provide additional
3 security and liquidity for the Bonds. These may include,
4 without limitation, municipal bond insurance, letters of
5 credit, lines of credit by which the Authority may borrow
6 funds to pay or redeem its Bonds, and purchase or remarketing
7 arrangements for assuring the ability of owners of the
8 Authority's Bonds to sell or to have redeemed their Bonds. The
9 Authority may enter into contracts and may agree to pay fees to
10 persons providing such arrangements, including from Bond
11 proceeds but only under circumstances in which the total
12 interest paid or to be paid on the Bonds, together with the
13 fees for the arrangements (being treated as if interest),
14 would not, taken together, cause the Bonds to bear interest,
15 calculated to their absolute maturity, at a rate in excess of
16 the maximum rate allowed by law.

17 The resolution of the Authority authorizing the issuance
18 of its Bonds may provide that interest rates may vary from time
19 to time depending upon criteria established by the Authority,
20 which may include, without limitation, a variation in interest
21 rates as may be necessary to cause Bonds to be remarketable
22 from time to time at a price equal to their principal amount,
23 and may provide for appointment of a national banking
24 association, bank, trust company, investment banker, or other
25 financial institution to serve as a remarketing agent in that
26 connection. The resolution of the Authority authorizing the

1 issuance of its Bonds may provide that alternative interest
2 rates or provisions will apply during such times as the Bonds
3 are held by a person providing a letter of credit or other
4 credit enhancement arrangement for those Bonds.

5 (Source: P.A. 88-511; revised 7-17-24.)

6 Section 620. The Critical Health Problems and
7 Comprehensive Health Education Act is amended by changing
8 Section 3 as follows:

9 (105 ILCS 110/3)

10 Sec. 3. Comprehensive Health Education Program.

11 (a) The program established under this Act shall include,
12 but not be limited to, the following major educational areas
13 as a basis for curricula in all elementary and secondary
14 schools in this State: human ecology and health; human growth
15 and development; the emotional, psychological, physiological,
16 hygienic, and social responsibilities of family life,
17 including sexual abstinence until marriage; the prevention and
18 control of disease, including instruction in grades 6 through
19 12 on the prevention, transmission, and spread of AIDS;
20 age-appropriate sexual abuse and assault awareness and
21 prevention education in grades pre-kindergarten through 12;
22 public and environmental health; consumer health; safety
23 education and disaster preparedness; mental health and
24 illness; personal health habits; alcohol and drug use and

1 abuse, including the use and abuse of fentanyl, and the
2 medical and legal ramifications of alcohol, drug, and tobacco
3 use; abuse during pregnancy; evidence-based and medically
4 accurate information regarding sexual abstinence; tobacco and
5 e-cigarettes and other vapor devices; nutrition; and dental
6 health. The instruction on mental health and illness must
7 evaluate the multiple dimensions of health by reviewing the
8 relationship between physical and mental health to enhance
9 student understanding, attitudes, and behaviors that promote
10 health, well-being, and human dignity and must include how and
11 where to find mental health resources and specialized
12 treatment in the State. The program shall also provide course
13 material and instruction to advise pupils of the Abandoned
14 Newborn Infant Protection Act. The program shall include
15 information about cancer, including, without limitation, types
16 of cancer, signs and symptoms, risk factors, the importance of
17 early prevention and detection, and information on where to go
18 for help. Notwithstanding the above educational areas, the
19 following areas may also be included as a basis for curricula
20 in all elementary and secondary schools in this State: basic
21 first aid (including, but not limited to, cardiopulmonary
22 resuscitation and the Heimlich maneuver), heart disease,
23 diabetes, stroke, the prevention of child abuse, neglect, and
24 suicide, and teen dating violence in grades 7 through 12.
25 Beginning with the 2014-2015 school year, training on how to
26 properly administer cardiopulmonary resuscitation (which

1 training must be in accordance with standards of the American
2 Red Cross, the American Heart Association, or another
3 nationally recognized certifying organization) and how to use
4 an automated external defibrillator shall be included as a
5 basis for curricula in all secondary schools in this State.

6 (b) Beginning with the 2024-2025 school year in grades 9
7 through 12, the program shall include instruction, study, and
8 discussion on the dangers of allergies. Information for the
9 instruction, study, and discussion shall come from information
10 provided by the Department of Public Health and the federal
11 Centers for Disease Control and Prevention. This instruction,
12 study, and discussion shall include, at a minimum:

13 (1) recognizing the signs and symptoms of an allergic
14 reaction, including anaphylaxis;

15 (2) the steps to take to prevent exposure to
16 allergens; and

17 (3) safe emergency epinephrine administration.

18 (c) No later than 30 days after the first day of each
19 school year, the school board of each public elementary and
20 secondary school in the State shall provide all teachers,
21 administrators, and other school personnel, as determined by
22 school officials, with information regarding emergency
23 procedures and life-saving techniques, including, without
24 limitation, the Heimlich maneuver, hands-only cardiopulmonary
25 resuscitation, and use of the school district's automated
26 external defibrillator. The information shall be in accordance

1 with standards of the American Red Cross, the American Heart
2 Association, or another nationally recognized certifying
3 organization. A school board may use the services of
4 non-governmental entities whose personnel have expertise in
5 life-saving techniques to instruct teachers, administrators,
6 and other school personnel in these techniques. Each school
7 board is encouraged to have in its employ, or on its volunteer
8 staff, at least one person who is certified, by the American
9 Red Cross or by another qualified certifying agency, as
10 qualified to administer first aid and cardiopulmonary
11 resuscitation. In addition, each school board is authorized to
12 allocate appropriate portions of its institute or inservice
13 days to conduct training programs for teachers and other
14 school personnel who have expressed an interest in becoming
15 certified to administer emergency first aid or cardiopulmonary
16 resuscitation. School boards are urged to encourage their
17 teachers and other school personnel who coach school athletic
18 programs and other extracurricular school activities to
19 acquire, develop, and maintain the knowledge and skills
20 necessary to properly administer first aid and cardiopulmonary
21 resuscitation in accordance with standards and requirements
22 established by the American Red Cross or another qualified
23 certifying agency. Subject to appropriation, the State Board
24 of Education shall establish and administer a matching grant
25 program to pay for half of the cost that a school district
26 incurs in training those teachers and other school personnel

1 who express an interest in becoming qualified to administer
2 first aid or cardiopulmonary resuscitation (which training
3 must be in accordance with standards of the American Red
4 Cross, the American Heart Association, or another nationally
5 recognized certifying organization). A school district that
6 applies for a grant must demonstrate that it has funds to pay
7 half of the cost of the training for which matching grant money
8 is sought. The State Board of Education shall award the grants
9 on a first-come, first-serve basis.

10 (d) No pupil shall be required to take or participate in
11 any class or course on AIDS or family life instruction or to
12 receive training on how to properly administer cardiopulmonary
13 resuscitation or how to use an automated external
14 defibrillator if his or her parent or guardian submits written
15 objection thereto, and refusal to take or participate in the
16 course or program or the training shall not be reason for
17 suspension or expulsion of the pupil.

18 (e) Curricula developed under programs established in
19 accordance with this Act in the major educational area of
20 alcohol and drug use and abuse shall include classroom
21 instruction in grades 5 through 12, shall be age and
22 developmentally appropriate, and may include the information
23 contained in the Substance Use Prevention and Recovery
24 Instruction Resource Guide under Section 22-81 of the School
25 Code, as applicable. The instruction, which shall include
26 matters relating to both the physical and legal effects and

1 ramifications of drug and substance abuse, shall be integrated
2 into existing curricula; and the State Board of Education
3 shall determine how to develop and make available to all
4 elementary and secondary schools in this State instructional
5 materials and guidelines that will assist the schools in
6 incorporating the instruction into their existing curricula.
7 In addition, school districts may offer, as part of existing
8 curricula during the school day or as part of an after-school
9 program, support services and instruction for pupils or pupils
10 whose parent, parents, or guardians are chemically dependent.

11 Beginning with the 2024-2025 school year, the program
12 shall include instruction, study, and discussion on the
13 dangers of fentanyl in grades 6 through 12. Information for
14 the instruction, study, and discussion on the dangers of
15 fentanyl shall be age and developmentally appropriate and may
16 include information contained in the Substance Use Prevention
17 and Recovery Instruction Resource Guide under Section 22-81 of
18 the School Code, as applicable. The instruction, study, and
19 discussion on the dangers of fentanyl in grades 9 through 12
20 shall include, at a minimum, all of the following:

21 (1) Information on fentanyl itself, including an
22 explanation of the differences between synthetic and
23 nonsynthetic opioids and illicit drugs, the variations of
24 fentanyl itself, and the differences between the legal and
25 illegal uses of fentanyl.

26 (2) The side effects and the risk factors of using

1 fentanyl, along with information comparing the lethal
2 amounts of fentanyl to other drugs. Information on the
3 risk factors may include, but is not limited to:

4 (A) the lethal dose of fentanyl;

5 (B) how often fentanyl is placed in drugs without
6 a person's knowledge;

7 (C) an explanation of what fentanyl does to a
8 person's body and the severity of fentanyl's addictive
9 properties; and

10 (D) how the consumption of fentanyl can lead to
11 hypoxia, as well as an explanation of what hypoxia
12 precisely does to a person's body.

13 (3) Details about the process of lacing fentanyl in
14 other drugs and why drugs get laced with fentanyl.

15 (4) Details about how to detect fentanyl in drugs and
16 how to save someone from an overdose of fentanyl, which
17 shall include:

18 (A) how to buy and use fentanyl test strips;

19 (B) how to buy and use naloxone, either through a
20 nasal spray or an injection; and

21 (C) how to detect if someone is overdosing on
22 fentanyl.

23 Students in grades 9 through 12 shall be assessed on the
24 instruction, study, and discussion on the dangers of fentanyl.
25 The assessment may include, but is not limited to:

26 (i) the differences between synthetic and nonsynthetic

1 drugs;

2 (ii) hypoxia;

3 (iii) the effects of fentanyl on a person's body;

4 (iv) the lethal dose of fentanyl; and

5 (v) how to detect and prevent overdoses.

6 The instruction, study, and discussion on the dangers of
7 fentanyl may be taught by a licensed educator, school nurse,
8 school social worker, law enforcement officer, or school
9 counselor.

10 (Source: P.A. 102-464, eff. 8-20-21; 102-558, eff. 8-20-21;
11 102-1034, eff. 1-1-23; 103-212, eff. 1-1-24; 103-365, eff.
12 1-1-24; 103-605, eff. 7-1-24; 103-608, eff. 1-1-25; 103-810,
13 eff. 8-9-24; revised 11-26-24.)

14 Section 625. The School Construction Law is amended by
15 changing Section 5-300 as follows:

16 (105 ILCS 230/5-300)

17 (Section scheduled to be repealed on July 1, 2026)

18 Sec. 5-300. Early childhood construction grants.

19 (a) The Capital Development Board is authorized to make
20 grants to public school districts and not-for-profit entities
21 for early childhood construction projects. These grants shall
22 be paid out of moneys appropriated for that purpose from the
23 School Construction Fund, the Build Illinois Bond Fund, or the
24 Rebuild Illinois Projects Fund. No grants may be awarded to

1 entities providing services within private residences. A
2 not-for-profit early childhood entity that rents or leases
3 from another not-for-profit entity shall be considered an
4 eligible entity under this Section.

5 A public school district or other eligible entity must
6 provide local matching funds in the following manner:

7 (1) A public school district assigned to Tier 1 under
8 Section 18-8.15 of the School Code or any other eligible
9 entity in an area encompassed by that district must
10 provide local matching funds in an amount equal to 3% of
11 the grant awarded under this Section.

12 (2) A public school district assigned to Tier 2 under
13 Section 18-8.15 of the School Code or any other eligible
14 entity in an area encompassed by that district must
15 provide local matching funds in an amount equal to 7.5% of
16 the grant awarded under this Section.

17 (3) A public school district assigned to Tier 3 under
18 Section 18-8.15 of the School Code or any other eligible
19 entity in an area encompassed by that district must
20 provide local matching funds in an amount equal to 8.75%
21 of the grant awarded under this Section.

22 (4) A public school district assigned to Tier 4 under
23 Section 18-8.15 of the School Code or any other eligible
24 entity in an area encompassed by that district must
25 provide local matching funds in an amount equal to 10% of
26 the grant awarded under this Section.

1 A public school district or other eligible entity has no
2 entitlement to a grant under this Section.

3 (b) The Capital Development Board shall adopt rules to
4 implement this Section. These rules need not be the same as the
5 rules for school construction project grants or school
6 maintenance project grants. The rules may specify:

7 (1) the manner of applying for grants;

8 (2) project eligibility requirements;

9 (3) restrictions on the use of grant moneys;

10 (4) the manner in which school districts and other
11 eligible entities must account for the use of grant
12 moneys;

13 (5) requirements that new or improved facilities be
14 used for early childhood and other related programs for a
15 period of at least 10 years;

16 (5.5) additional eligibility requirements for each
17 type of applicant; and

18 (6) any other provision that the Capital Development
19 Board determines to be necessary or useful for the
20 administration of this Section.

21 (b-5) When grants are made to non-profit corporations for
22 the acquisition or construction of new facilities, the Capital
23 Development Board or any State agency it so designates shall
24 hold title to or place a lien on the facility for a period of
25 10 years after the date of the grant award, after which title
26 to the facility shall be transferred to the non-profit

1 corporation or the lien shall be removed, provided that the
2 non-profit corporation has complied with the terms of its
3 grant agreement. When grants are made to non-profit
4 corporations for the purpose of renovation or rehabilitation,
5 if the non-profit corporation does not comply with item (5) of
6 subsection (b) of this Section, the Capital Development Board
7 or any State agency it so designates shall recover the grant
8 pursuant to the procedures outlined in the Illinois Grant
9 Funds Recovery Act.

10 (c) The Capital Development Board, in consultation with
11 the State Board of Education, shall establish standards for
12 the determination of priority needs concerning early childhood
13 projects based on projects located in communities in the State
14 with the greatest underserved population of young children,
15 utilizing Census data and other reliable local early childhood
16 service data.

17 (d) In each school year in which early childhood
18 construction project grants are awarded, 20% of the total
19 amount awarded shall be awarded to a school district with a
20 population of more than 500,000, provided that the school
21 district complies with the requirements of this Section and
22 the rules adopted under this Section.

23 (e) This Section is repealed on July 1, 2026.

24 (Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23;
25 103-594, eff. 6-25-24; 103-759, eff. 8-2-24; revised 8-12-24.)

1 Section 630. The Early Childhood Access Consortium for
2 Equity Act is amended by changing Section 25 as follows:

3 (110 ILCS 28/25)

4 Sec. 25. Advisory committee; membership.

5 (a) The Board of Higher Education, the Illinois Community
6 College Board, the State Board of Education, the Department of
7 Human Services, and the Department of Early Childhood shall
8 jointly convene a Consortium advisory committee to provide
9 guidance on the operation of the Consortium.

10 (b) Membership on the advisory committee shall be
11 comprised of employers and experts appointed by the Board of
12 Higher Education, the Illinois Community College Board, the
13 Department of Early Childhood, the Department of Human
14 Services, and the State Board of Education. Membership shall
15 also include all of the following members:

16 (1) An employer from a community-based child care
17 provider, appointed by the Department of Human Services.

18 (2) An employer from a for-profit child care provider,
19 appointed by the Department of Human Services.

20 (3) An employer from a nonprofit child care provider,
21 appointed by the Department of Human Services.

22 (4) A provider of family child care, appointed by the
23 Department of Human Services.

24 (5) An employer located in southern Illinois,
25 appointed by the Department of Early Childhood.

1 (6) An employer located in central Illinois, appointed
2 by the Department of Early Childhood.

3 (7) At least one member who represents an urban school
4 district, appointed by the State Board of Education.

5 (8) At least one member who represents a suburban
6 school district, appointed by the State Board of
7 Education.

8 (9) At least one member who represents a rural school
9 district, appointed by the State Board of Education.

10 (10) At least one member who represents a school
11 district in a city with a population of 500,000 or more,
12 appointed by the State Board of Education.

13 (11) Two early childhood advocates with statewide
14 expertise in early childhood workforce issues, appointed
15 by the Department of Early Childhood.

16 (12) The Chairperson or Vice-Chairperson and the
17 Minority Spokesperson or a designee of the Senate
18 Committee on Higher Education.

19 (13) The Chairperson or Vice-Chairperson and the
20 Minority Spokesperson or a designee of the House Committee
21 on Higher Education.

22 (14) One member representing the Illinois Community
23 College Board, who shall serve as co-chairperson,
24 appointed by the Illinois Community College Board.

25 (15) One member representing the Board of Higher
26 Education, who shall serve as co-chairperson, appointed by

1 the Board of Higher Education.

2 (16) One member representing the Illinois Student
3 Assistance Commission, appointed by the Illinois Student
4 Assistance Commission.

5 (17) One member representing the State Board of
6 Education, who shall serve as co-chairperson, appointed by
7 the State Board of Education.

8 (18) One member representing the Department of Early
9 Childhood, who shall serve as co-chairperson, appointed by
10 the Department of Early Childhood.

11 (19) One member representing the Department of Human
12 Services, who shall serve as co-chairperson, appointed by
13 the Department of Human Services.

14 (20) One member representing INCCRRA, appointed by the
15 Department of Early Childhood.

16 (21) One member representing the Department of
17 Children and Family Services, appointed by the Department
18 of Children and Family Services.

19 (22) One member representing an organization that
20 advocates on behalf of community college trustees,
21 appointed by the Illinois Community College Board.

22 (23) One member of a union representing child care and
23 early childhood providers, appointed by the Department of
24 Human Services.

25 (24) Two members of unions representing higher
26 education faculty, appointed by the Board of Higher

1 Education.

2 (25) A representative from the College of Education of
3 an urban public university, appointed by the Board of
4 Higher Education.

5 (26) A representative from the College of Education of
6 a suburban public university, appointed by the Board of
7 Higher Education.

8 (27) A representative from the College of Education of
9 a rural public university, appointed by the Board of
10 Higher Education.

11 (28) A representative from the College of Education of
12 a private university, appointed by the Board of Higher
13 Education.

14 (29) A representative of an urban community college,
15 appointed by the Illinois Community College Board.

16 (30) A representative of a suburban community college,
17 appointed by the Illinois Community College Board.

18 (31) A representative of a rural community college,
19 appointed by the Illinois Community College Board.

20 (c) The advisory committee shall meet at least twice a
21 year. The committee meetings shall be open to the public in
22 accordance with the provisions of the Open Meetings Act.

23 (d) Except for the co-chairpersons of the advisory
24 committee, the initial terms for advisory committee members
25 after June 5, 2024 (the effective date of Public Act 103-588)
26 ~~this amendatory Act of the 103rd General Assembly~~ shall be set

1 by lottery at the first meeting after June 5, 2024 (the
2 effective date of Public Act 103-588) ~~this amendatory Act of~~
3 ~~the 103rd General Assembly~~ as follows:

4 (1) One-third of members shall serve a one-year ~~1-year~~
5 term.

6 (2) One-third of members shall serve a 2-year term.

7 (3) One-third of members shall serve a 3-year term.

8 (e) The initial term of co-chairpersons of the advisory
9 committee shall be for 3 years.

10 (f) After the initial term, each subsequent term for the
11 members of the advisory committee shall be for 3 years or until
12 a successor is appointed.

13 (g) The members of the advisory committee shall serve
14 without compensation, but shall be entitled to reimbursement
15 for all necessary expenses incurred in the performance of
16 their official duties as members of the advisory committee
17 from funds appropriated for that purpose.

18 (Source: P.A. 102-174, eff. 7-28-21; 103-588, eff. 6-5-24;
19 103-594, eff. 6-25-24; revised 7-25-24.)

20 Section 635. The Postsecondary and Workforce Readiness Act
21 is amended by changing Section 85 as follows:

22 (110 ILCS 148/85)

23 Sec. 85. Statewide planning and supports for College and
24 Career Pathway Endorsement programs.

1 (a) By no later than June 30, 2017, the IPIC Agencies shall
2 develop and adopt a comprehensive interagency plan for
3 supporting the development of College and Career Pathway
4 Endorsement programs throughout the State. Thereafter, the
5 plan shall be re-assessed and updated at least once every 5
6 years. The plan shall:

7 (1) designate priority, State-level industry sectors
8 consistent with those identified through federal and State
9 workforce and economic development planning processes;

10 (2) articulate a strategy for supporting College and
11 Career Pathway Endorsement programs that includes State
12 and federal funding, business and philanthropic
13 investments, and local investments;

14 (3) consider the need for school districts and
15 postsecondary institutions to phase in endorsement
16 programs and the elements specified in subsection (d) of
17 Section 80 of this Act over multiple years; and

18 (4) address how College and Career Pathway Endorsement
19 programs articulate to postsecondary institution degree
20 programs.

21 (b) In accordance with the interagency plan developed
22 pursuant to subsection (a) of this Section and within the
23 limits of available public and private resources, the IPIC
24 Agencies shall establish a public-private steering committee
25 for each priority State-level industry sector that includes
26 representatives from one or more business-led, sector-based

1 partnerships. By no later than June 30, 2018, each steering
2 committee shall recommend to the IPIC Agencies a sequence of
3 minimum career competencies for particular occupational
4 pathways within that sector that students should attain by
5 high school graduation as part of a College and Career Pathway
6 Endorsement program. The IPIC Agencies shall establish methods
7 to recognize and incentivize College and Career Pathway
8 Endorsement programs that:

9 (1) address a priority State-level industry sector;

10 (2) are developed jointly by school districts,
11 community colleges, Local Workforce Development Boards,
12 and employers; and

13 (3) align to sequences of minimum career competencies
14 defined pursuant to this subsection (b), with any regional
15 modifications appropriate for local economic development
16 objectives.

17 (c) In accordance with the interagency plan developed
18 pursuant to subsection (a) of this Section and within the
19 limits of available public and private resources, the IPIC
20 Agencies shall provide all of the following supports for
21 College and Career Pathway Endorsement programs ~~program~~:

22 (1) Provide guidance documents for implementation of
23 each of the various elements of College and Career Pathway
24 Endorsement programs.

25 (2) Provide or designate one or more web-based tools
26 to support College and Career Pathway Endorsement

1 programs, including a professional learning portfolio,
2 Professional Skills Assessment, and mentoring platform.

3 (3) Make available a statewide insurance policy for
4 appropriate types of Supervised Career Development
5 Experiences.

6 (4) Provide or designate one or more model
7 instructional units that provide an orientation to all
8 career cluster areas.

9 (5) Coordinate with business-led, sector-based
10 partnerships to:

11 (A) designate available curricular and
12 instructional resources that school districts can
13 voluntarily select to address requirements for College
14 and Career Pathway Endorsement programs;

15 (B) designate stackable industry-based
16 certifications, the completion of which demonstrates
17 mastery of specific career competencies and that are
18 widely valued by employers within a particular sector;

19 (C) deliver or support sector-oriented
20 professional development, Career Exploration
21 Activities, Intensive Career Exploration Experiences,
22 Team-based Challenges, and Supervised Career
23 Development Experiences; and

24 (D) develop recognition and incentives for school
25 districts implementing and students attaining College
26 and Career Pathway Endorsements that align to the

1 sequence of minimum career competencies defined
2 pursuant to subsection (b) of this Section.

3 (d) To support articulation of College and Career Pathway
4 Endorsement programs into higher education, by no later than
5 June 30, 2018, the ICCB and IBHE shall jointly adopt, in
6 consultation with postsecondary institutions, requirements for
7 postsecondary institutions to define first-year course
8 schedules and degree programs with Endorsement areas to
9 support the successful transition of Endorsement recipients
10 into related degree programs. These requirements shall take
11 effect in the 2020-2021 school year.

12 (Source: P.A. 99-674, eff. 7-29-16; revised 7-19-24.)

13 Section 640. The Public Higher Education Act is amended by
14 setting forth and renumbering multiple versions of Section 15
15 as follows:

16 (110 ILCS 167/15)

17 Sec. 15. National Guard and reservist classwork policy.
18 The governing board of each public institution of higher
19 education shall adopt a policy to allow a student who is a
20 member of the National Guard of any state, the District of
21 Columbia, a commonwealth, or a territory of the United States
22 or any reserve component of the Armed Forces of the United
23 States to submit classwork and complete any other class
24 assignments missed due to the student participating in a drill

1 or other military obligation required as a member of the
2 National Guard or the reserve component.

3 (Source: P.A. 103-871, eff. 1-1-25.)

4 (110 ILCS 167/16)

5 Sec. 16 ~~15~~. Admission based on legacy status or donor
6 relation prohibited.

7 (a) In this Section:

8 "Alumnus" means a graduate of a public institution of
9 higher education.

10 "Familial relationship" means an individual's father,
11 mother, son, daughter, brother, sister, uncle, aunt,
12 great-aunt, great-uncle, first cousin, nephew, niece, husband,
13 wife, grandfather, grandmother, grandson, granddaughter,
14 father-in-law, mother-in-law, son-in-law, daughter-in-law,
15 brother-in-law, sister-in-law, stepfather, stepmother,
16 stepson, stepdaughter, stepbrother, stepsister, half brother,
17 or half sister; the father, mother, grandfather, or
18 grandmother of the individual's spouse; or the individual's
19 fiance or fiancée.

20 "Legacy status" means the familial relationship of an
21 individual applying for admission to a public institution of
22 higher education to an alumnus or former or current attendee
23 of the public institution of higher education.

24 (b) In determining admission to a public institution of
25 higher education, the public institution of higher education

1 may not consider an applicant's legacy status or the
2 applicant's familial relationship to any past, current, or
3 prospective donor of something of value to the public
4 institution of higher education as a factor in admitting the
5 applicant.

6 (Source: P.A. 103-877, eff. 8-9-24; revised 9-20-24.)

7 (110 ILCS 167/17)

8 Sec. 17 ~~15~~. Transcript evaluation fee waivers.

9 (a) In this Section, "refugee" means a person who has
10 entered the United States on a refugee status from Iraq or
11 Afghanistan.

12 (b) Beginning January 1, 2025, each public institution of
13 higher education shall pay on behalf of a refugee or reimburse
14 a refugee for payment of any transcript evaluation fees that
15 are required by the public institution of higher education to
16 be paid during the admission process.

17 (Source: P.A. 103-913, eff. 8-9-24; revised 9-20-24.)

18 Section 645. The Board of Higher Education Act is amended
19 by changing Section 8 as follows:

20 (110 ILCS 205/8) (from Ch. 144, par. 188)

21 Sec. 8. The Board of Trustees of the University of
22 Illinois, the Board of Trustees of Southern Illinois
23 University, the Board of Trustees of Chicago State University,

1 the Board of Trustees of Eastern Illinois University, the
2 Board of Trustees of Governors State University, the Board of
3 Trustees of Illinois State University, the Board of Trustees
4 of Northeastern Illinois University, the Board of Trustees of
5 Northern Illinois University, and the Board of Trustees of
6 Western Illinois University shall submit to the Board not
7 later than the 15th day of November of each year their ~~its~~
8 budget proposals for the operation and capital needs of the
9 institutions under their ~~its~~ governance or supervision for the
10 ensuing fiscal year. The Illinois Community College Board
11 shall submit to the Board by December 15 of each year its
12 budget proposal for the operation and capital needs of the
13 institutions under its governance or supervision for the
14 ensuing fiscal year. Each budget proposal shall conform to the
15 procedures developed by the Board in the design of an
16 information system for State universities and colleges.

17 In order to maintain a cohesive system of higher
18 education, the Board and its staff shall communicate on a
19 regular basis with all public university presidents. They
20 shall meet at least semiannually to achieve economies of scale
21 where possible and provide the most innovative and efficient
22 programs and services.

23 The Board, in the analysis of formulating the annual
24 budget request, shall consider rates of tuition and fees and
25 undergraduate tuition and fee waiver programs at the State
26 universities and colleges. The Board shall also consider the

1 current and projected utilization of the total physical plant
2 of each campus of a university or college in approving the
3 capital budget for any new building or facility.

4 The Board of Higher Education shall submit to the
5 Governor, to the General Assembly, and to the appropriate
6 budget agencies of the Governor and General Assembly its
7 analysis and recommendations on such budget proposals.

8 The Board is directed to form a broad-based group of
9 individuals representing the Office of the Governor, the
10 General Assembly, public institutions of higher education,
11 State agencies, business and industry, statewide organizations
12 representing faculty and staff, and others as the Board shall
13 deem appropriate to devise a system for allocating State
14 resources to public institutions of higher education based
15 upon performance in achieving State goals related to student
16 success and certificate and degree completion.

17 Beginning in Fiscal Year 2013, the Board of Higher
18 Education budget recommendations to the Governor and the
19 General Assembly shall include allocations to public
20 institutions of higher education based upon performance
21 metrics designed to promote and measure student success in
22 degree and certificate completion. Public university metrics
23 must be adopted by the Board by rule, and public community
24 college metrics must be adopted by the Illinois Community
25 College Board by rule. These metrics must be developed and
26 promulgated in accordance with the following principles:

1 (1) The metrics must be developed in consultation with
2 public institutions of higher education, as well as other
3 State educational agencies and other higher education
4 organizations, associations, interests, and stakeholders
5 as deemed appropriate by the Board.

6 (2) The metrics shall include provisions for
7 recognizing the demands on and rewarding the performance
8 of institutions in advancing the success of students who
9 are academically or financially at risk, including
10 first-generation students, low-income students, and
11 students traditionally underrepresented in higher
12 education, as specified in Section 9.16 of this Act.

13 (3) The metrics shall recognize and account for the
14 differentiated missions of institutions and sectors of
15 higher education.

16 (4) The metrics shall focus on the fundamental goal of
17 increasing completion of college courses, certificates,
18 and degrees. Performance metrics shall recognize the
19 unique and broad mission of public community colleges
20 through consideration of additional factors, including,
21 but not limited to, enrollment, progress through key
22 academic milestones, transfer to a baccalaureate
23 institution, and degree completion.

24 (5) The metrics must be designed to maintain the
25 quality of degrees, certificates, courses, and programs.

26 In devising performance metrics, the Board may be guided by

1 the report of the Higher Education Finance Study Commission.

2 Each State university must submit its plan for capital
3 improvements of non-instructional facilities to the Board for
4 approval before final commitments are made if the total cost
5 of the project as approved by the institution's board of
6 control is in excess of \$2 million. Non-instructional uses
7 shall include, but not be limited to, dormitories, union
8 buildings, field houses, stadium, other recreational
9 facilities, and parking lots. The Board shall determine
10 whether or not any project submitted for approval is
11 consistent with the strategic plan for higher education and
12 with instructional buildings that are provided for therein. If
13 the project is found by a majority of the Board not to be
14 consistent, such capital improvement shall not be constructed.
15 (Source: P.A. 102-1046, eff. 6-7-22; 103-940, eff. 8-9-24;
16 revised 8-23-24.)

17 Section 650. The University of Illinois Act is amended by
18 changing Section 90 and by setting forth and renumbering
19 multiple versions of Section 180 as follows:

20 (110 ILCS 305/90)

21 Sec. 90. Employment contract limitations. This Section
22 applies to the employment contracts of the president or all
23 chancellors of the University entered into, amended, renewed,
24 or extended after January 1, 2017 (the effective date of

1 ~~Public Act 99-694) this amendatory Act of the 99th General~~
2 ~~Assembly.~~ This Section does not apply to collective bargaining
3 agreements. With respect to employment contracts entered into
4 with the president or all chancellors of the University:

5 (1) Severance under the contract may not exceed one
6 year's ~~year~~ salary and applicable benefits.

7 (2) A contract with a determinate start and end date
8 may not exceed 4 years.

9 (3) The contract may not include any automatic
10 rollover clauses.

11 (4) Severance payments or contract buyouts may be
12 placed in an escrow account if there are pending criminal
13 charges against the president or all chancellors of the
14 University related to their employment.

15 (5) Final action on the formation, renewal, extension,
16 or termination of the employment contracts of the
17 president or all chancellors of the University must be
18 made during an open meeting of the Board of Trustees.

19 (6) Public notice, compliant with the provisions of
20 the Open Meetings Act, must be given prior to final action
21 on the formation, renewal, extension, or termination of
22 the employment contracts of the president or all
23 chancellors of the University and must include a copy of
24 the Board item or other documentation providing, at a
25 minimum, a description of the proposed principal financial
26 components of the president's or all chancellors'

1 appointments.

2 (7) Any performance-based bonus or incentive-based
3 compensation to the president or all chancellors of the
4 University must be approved by the Board in an open
5 meeting. The performance upon which the bonus is based
6 must be made available to the public no less than 48 hours
7 before Board approval of the performance-based bonus or
8 incentive-based compensation.

9 (8) Board minutes, board packets, and annual
10 performance reviews concerning the president or all
11 chancellors of the University must be made available to
12 the public on the University's Internet website.

13 (Source: P.A. 99-694, eff. 1-1-17; revised 7-17-24.)

14 (110 ILCS 305/180)

15 Sec. 180. Innovation center. The Board of Trustees,
16 directly or in cooperation with the University of Illinois at
17 Springfield Innovation Center partners, which shall consist of
18 other institutions of higher education, not-for-profit
19 organizations, businesses, and local governments, may finance,
20 design, construct, enlarge, improve, equip, complete, operate,
21 control, and manage a University of Illinois at Springfield
22 Innovation Center (UIS Innovation Center), which is a facility
23 or facilities dedicated to fostering and supporting innovation
24 in academics, entrepreneurship, workforce development, policy
25 development, and non-profit or philanthropic activities.

1 Notwithstanding any other provision of law, the UIS Innovation
2 Center (1) may be located on land owned by the Board of
3 Trustees or a University of Illinois at Springfield Innovation
4 Center partner; and (2) shall have costs incurred in
5 connection with the design, construction, enlargement,
6 improvement, equipping, and completion of the business
7 incubation and innovation facilities paid with funds
8 appropriated to the Capital Development Board from the Build
9 Illinois Bond Fund for a grant to the Board of Trustees for the
10 UIS Innovation Center. If the UIS Innovation Center is located
11 on land owned by a University of Illinois at Springfield
12 Innovation Center partner, the Board of Trustees must have an
13 ownership interest in the facility or facilities or a portion
14 thereof. An ownership interest shall bear a reasonable
15 relationship to the proportional share of the costs paid by
16 such grant funds for a term equal to at least the useful life
17 of the innovation facilities.

18 (Source: P.A. 103-588, eff. 6-5-24.)

19 (110 ILCS 305/185)

20 Sec. 185 ~~180~~. Winter weather emergency closure;
21 educational support services pay. If a campus is closed due to
22 a city, county, or State declaration of a winter weather
23 emergency, the Board of Trustees shall pay to its employees
24 who provide educational support services to the campus,
25 including, but not limited to, custodial employees, building

1 maintenance employees, transportation employees, food service
2 providers, classroom assistants, or administrative staff,
3 their daily, regular rate of pay and benefits rendered for the
4 campus closure if the closure precludes them from performing
5 their regularly scheduled duties and the employee would have
6 reported for work but for the closure; however, this
7 requirement does not apply if the day is rescheduled and the
8 employee will be paid the employee's daily, regular rate of
9 pay and benefits for the rescheduled day when services are
10 rendered.

11 (Source: P.A. 103-749, eff. 1-1-25; revised 12-3-24.)

12 (110 ILCS 305/190)

13 Sec. 190 ~~180~~. Enrollment reporting.

14 (a) The Board of Trustees shall report to the Board of
15 Higher Education by the 15th business day after the start of
16 the academic year all of the following student enrollment
17 data:

18 (1) The number of students enrolled at the start of
19 the previous academic year.

20 (2) The number of students enrolled full time at the
21 start of the previous academic year.

22 (3) The number of students enrolled at the start of
23 the current academic year.

24 (4) The number of students enrolled full time at the
25 start of the current academic year.

1 (5) The number of students enrolled in online learning
2 at the start of the previous academic year.

3 (6) The number of students enrolled in in-person
4 learning at the start of the previous academic year.

5 (7) The number of students enrolled in online learning
6 at the start of the current academic year.

7 (8) The number of students enrolled in in-person
8 learning at the start of the current academic year.

9 (9) The rolling average number of students enrolled
10 over the previous 5 academic years.

11 (b) The Board of Higher Education shall post the student
12 enrollment data reported under subsection (a) on its Internet
13 website.

14 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

15 Section 655. The Southern Illinois University Management
16 Act is amended by changing Section 75 and by setting forth and
17 renumbering multiple versions of Section 155 as follows:

18 (110 ILCS 520/75)

19 Sec. 75. Employment contract limitations. This Section
20 applies to the employment contracts of the president or all
21 chancellors of the University entered into, amended, renewed,
22 or extended after January 1, 2017 (the effective date of
23 Public Act 99-694) ~~this amendatory Act of the 99th General~~
24 ~~Assembly~~. This Section does not apply to collective bargaining

1 agreements. With respect to employment contracts entered into
2 with the president or all chancellors of the University:

3 (1) Severance under the contract may not exceed one
4 year's ~~year~~ salary and applicable benefits.

5 (2) A contract with a determinate start and end date
6 may not exceed 4 years.

7 (3) The contract may not include any automatic
8 rollover clauses.

9 (4) Severance payments or contract buyouts may be
10 placed in an escrow account if there are pending criminal
11 charges against the president or all chancellors of the
12 University related to their employment.

13 (5) Final action on the formation, renewal, extension,
14 or termination of the employment contracts of the
15 president or all chancellors of the University must be
16 made during an open meeting of the Board.

17 (6) Public notice, compliant with the provisions of
18 the Open Meetings Act, must be given prior to final action
19 on the formation, renewal, extension, or termination of
20 the employment contracts of the president or all
21 chancellors of the University and must include a copy of
22 the Board item or other documentation providing, at a
23 minimum, a description of the proposed principal financial
24 components of the president's or all chancellors'
25 appointments.

26 (7) Any performance-based bonus or incentive-based

1 compensation to the president or all chancellors of the
2 University must be approved by the Board in an open
3 meeting. The performance upon which the bonus is based
4 must be made available to the public no less than 48 hours
5 before Board approval of the performance-based bonus or
6 incentive-based compensation.

7 (8) Board minutes, board packets, and annual
8 performance reviews concerning the president or all
9 chancellors of the University must be made available to
10 the public on the University's Internet website.

11 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

12 (110 ILCS 520/155)

13 Sec. 155. Winter weather emergency closure; educational
14 support services pay. If a campus is closed due to a city,
15 county, or State declaration of a winter weather emergency,
16 the Board shall pay to its employees who provide educational
17 support services to the campus, including, but not limited to,
18 custodial employees, building maintenance employees,
19 transportation employees, food service providers, classroom
20 assistants, or administrative staff, their daily, regular rate
21 of pay and benefits rendered for the campus closure if the
22 closure precludes them from performing their regularly
23 scheduled duties and the employee would have reported for work
24 but for the closure; however, this requirement does not apply
25 if the day is rescheduled and the employee will be paid the

1 employee's daily, regular rate of pay and benefits for the
2 rescheduled day when services are rendered.

3 (Source: P.A. 103-749, eff. 1-1-25.)

4 (110 ILCS 520/160)

5 Sec. 160 ~~155~~. Enrollment reporting.

6 (a) The Board shall report to the Board of Higher
7 Education by the 15th business day after the start of the
8 academic year all of the following student enrollment data:

9 (1) The number of students enrolled at the start of
10 the previous academic year.

11 (2) The number of students enrolled full time at the
12 start of the previous academic year.

13 (3) The number of students enrolled at the start of
14 the current academic year.

15 (4) The number of students enrolled full time at the
16 start of the current academic year.

17 (5) The number of students enrolled in online learning
18 at the start of the previous academic year.

19 (6) The number of students enrolled in in-person
20 learning at the start of the previous academic year.

21 (7) The number of students enrolled in online learning
22 at the start of the current academic year.

23 (8) The number of students enrolled in in-person
24 learning at the start of the current academic year.

25 (9) The rolling average number of students enrolled

1 over the previous 5 academic years.

2 (b) The Board of Higher Education shall post the student
3 enrollment data reported under subsection (a) on its Internet
4 website.

5 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

6 Section 660. The Chicago State University Law is amended
7 by changing Section 5-185 and by setting forth and renumbering
8 multiple versions of Section 5-265 as follows:

9 (110 ILCS 660/5-185)

10 Sec. 5-185. Employment contract limitations. This Section
11 applies to the employment contracts of the president or all
12 chancellors of the University entered into, amended, renewed,
13 or extended after January 1, 2017 (the effective date of
14 Public Act 99-694) ~~this amendatory Act of the 99th General~~
15 ~~Assembly~~. This Section does not apply to collective bargaining
16 agreements. With respect to employment contracts entered into
17 with the president or all chancellors of the University:

18 (1) Severance under the contract may not exceed one
19 year's ~~year~~ salary and applicable benefits.

20 (2) A contract with a determinate start and end date
21 may not exceed 4 years.

22 (3) The contract may not include any automatic
23 rollover clauses.

24 (4) Severance payments or contract buyouts may be

1 placed in an escrow account if there are pending criminal
2 charges against the president or all chancellors of the
3 University related to their employment.

4 (5) Final action on the formation, renewal, extension,
5 or termination of the employment contracts of the
6 president or all chancellors of the University must be
7 made during an open meeting of the Board.

8 (6) Public notice, compliant with the provisions of
9 the Open Meetings Act, must be given prior to final action
10 on the formation, renewal, extension, or termination of
11 the employment contracts of the president or all
12 chancellors of the University and must include a copy of
13 the Board item or other documentation providing, at a
14 minimum, a description of the proposed principal financial
15 components of the president's or all chancellors'
16 appointments.

17 (7) Any performance-based bonus or incentive-based
18 compensation to the president or all chancellors of the
19 University must be approved by the Board in an open
20 meeting. The performance upon which the bonus is based
21 must be made available to the public no less than 48 hours
22 before Board approval of the performance-based bonus or
23 incentive-based compensation.

24 (8) Board minutes, board packets, and annual
25 performance reviews concerning the president or all
26 chancellors of the University must be made available to

1 the public on the University's Internet website.

2 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

3 (110 ILCS 660/5-265)

4 Sec. 5-265. Winter weather emergency closure; educational
5 support services pay. If a campus is closed due to a city,
6 county, or State declaration of a winter weather emergency,
7 the Board shall pay to its employees who provide educational
8 support services to the campus, including, but not limited to,
9 custodial employees, building maintenance employees,
10 transportation employees, food service providers, classroom
11 assistants, or administrative staff, their daily, regular rate
12 of pay and benefits rendered for the campus closure if the
13 closure precludes them from performing their regularly
14 scheduled duties and the employee would have reported for work
15 but for the closure; however, this requirement does not apply
16 if the day is rescheduled and the employee will be paid the
17 employee's daily, regular rate of pay and benefits for the
18 rescheduled day when services are rendered.

19 (Source: P.A. 103-749, eff. 1-1-25.)

20 (110 ILCS 660/5-270)

21 Sec. 5-270 ~~5-265~~. Enrollment reporting.

22 (a) The Board shall report to the Board of Higher
23 Education by the 15th business day after the start of the
24 academic year all of the following student enrollment data:

1 (1) The number of students enrolled at the start of
2 the previous academic year.

3 (2) The number of students enrolled full time at the
4 start of the previous academic year.

5 (3) The number of students enrolled at the start of
6 the current academic year.

7 (4) The number of students enrolled full time at the
8 start of the current academic year.

9 (5) The number of students enrolled in online learning
10 at the start of the previous academic year.

11 (6) The number of students enrolled in in-person
12 learning at the start of the previous academic year.

13 (7) The number of students enrolled in online learning
14 at the start of the current academic year.

15 (8) The number of students enrolled in in-person
16 learning at the start of the current academic year.

17 (9) The rolling average number of students enrolled
18 over the previous 5 academic years.

19 (b) The Board of Higher Education shall post the student
20 enrollment data reported under subsection (a) on its Internet
21 website.

22 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

23 Section 665. The Eastern Illinois University Law is
24 amended by changing Section 10-185 and by setting forth and
25 multiple versions of Section 10-270 as follows:

1 (110 ILCS 665/10-185)

2 Sec. 10-185. Employment contract limitations. This Section
3 applies to the employment contracts of the president or all
4 chancellors of the University entered into, amended, renewed,
5 or extended after January 1, 2017 (the effective date of
6 Public Act 99-694) ~~this amendatory Act of the 99th General~~
7 ~~Assembly~~. This Section does not apply to collective bargaining
8 agreements. With respect to employment contracts entered into
9 with the president or all chancellors of the University:

10 (1) Severance under the contract may not exceed one
11 year's ~~year~~ salary and applicable benefits.

12 (2) A contract with a determinate start and end date
13 may not exceed 4 years.

14 (3) The contract may not include any automatic
15 rollover clauses.

16 (4) Severance payments or contract buyouts may be
17 placed in an escrow account if there are pending criminal
18 charges against the president or all chancellors of the
19 University related to their employment.

20 (5) Final action on the formation, renewal, extension,
21 or termination of the employment contracts of the
22 president or all chancellors of the University must be
23 made during an open meeting of the Board.

24 (6) Public notice, compliant with the provisions of
25 the Open Meetings Act, must be given prior to final action

1 on the formation, renewal, extension, or termination of
2 the employment contracts of the president or all
3 chancellors of the University and must include a copy of
4 the Board item or other documentation providing, at a
5 minimum, a description of the proposed principal financial
6 components of the president's or all chancellors'
7 appointments.

8 (7) Any performance-based bonus or incentive-based
9 compensation to the president or all chancellors of the
10 University must be approved by the Board in an open
11 meeting. The performance upon which the bonus is based
12 must be made available to the public no less than 48 hours
13 before Board approval of the performance-based bonus or
14 incentive-based compensation.

15 (8) Board minutes, board packets, and annual
16 performance reviews concerning the president or all
17 chancellors of the University must be made available to
18 the public on the University's Internet website.

19 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

20 (110 ILCS 665/10-270)

21 Sec. 10-270. Winter weather emergency closure; educational
22 support services pay. If a campus is closed due to a city,
23 county, or State declaration of a winter weather emergency,
24 the Board shall pay to its employees who provide educational
25 support services to the campus, including, but not limited to,

1 custodial employees, building maintenance employees,
2 transportation employees, food service providers, classroom
3 assistants, or administrative staff, their daily, regular rate
4 of pay and benefits rendered for the campus closure if the
5 closure precludes them from performing their regularly
6 scheduled duties and the employee would have reported for work
7 but for the closure; however, this requirement does not apply
8 if the day is rescheduled and the employee will be paid the
9 employee's daily, regular rate of pay and benefits for the
10 rescheduled day when services are rendered.

11 (Source: P.A. 103-749, eff. 1-1-25.)

12 (110 ILCS 665/10-275)

13 Sec. 10-275 ~~10-270~~. Enrollment reporting.

14 (a) The Board shall report to the Board of Higher
15 Education by the 15th business day after the start of the
16 academic year all of the following student enrollment data:

17 (1) The number of students enrolled at the start of
18 the previous academic year.

19 (2) The number of students enrolled full time at the
20 start of the previous academic year.

21 (3) The number of students enrolled at the start of
22 the current academic year.

23 (4) The number of students enrolled full time at the
24 start of the current academic year.

25 (5) The number of students enrolled in online learning

1 at the start of the previous academic year.

2 (6) The number of students enrolled in in-person
3 learning at the start of the previous academic year.

4 (7) The number of students enrolled in online learning
5 at the start of the current academic year.

6 (8) The number of students enrolled in in-person
7 learning at the start of the current academic year.

8 (9) The rolling average number of students enrolled
9 over the previous 5 academic years.

10 (b) The Board of Higher Education shall post the student
11 enrollment data reported under subsection (a) on its Internet
12 website.

13 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

14 Section 670. The Governors State University Law is amended
15 by changing Section 15-185 and by setting forth and
16 renumbering multiple versions of Section 15-265 as follows:

17 (110 ILCS 670/15-185)

18 Sec. 15-185. Employment contract limitations. This Section
19 applies to the employment contracts of the president or all
20 chancellors of the University entered into, amended, renewed,
21 or extended after January 1, 2017 (the effective date of
22 Public Act 99-694) ~~this amendatory Act of the 99th General~~
23 ~~Assembly~~. This Section does not apply to collective bargaining
24 agreements. With respect to employment contracts entered into

1 with the president or all chancellors of the University:

2 (1) Severance under the contract may not exceed one
3 year's ~~year~~ salary and applicable benefits.

4 (2) A contract with a determinate start and end date
5 may not exceed 4 years.

6 (3) The contract may not include any automatic
7 rollover clauses.

8 (4) Severance payments or contract buyouts may be
9 placed in an escrow account if there are pending criminal
10 charges against the president or all chancellors of the
11 University related to their employment.

12 (5) Final action on the formation, renewal, extension,
13 or termination of the employment contracts of the
14 president or all chancellors of the University must be
15 made during an open meeting of the Board.

16 (6) Public notice, compliant with the provisions of
17 the Open Meetings Act, must be given prior to final action
18 on the formation, renewal, extension, or termination of
19 the employment contracts of the president or all
20 chancellors of the University and must include a copy of
21 the Board item or other documentation providing, at a
22 minimum, a description of the proposed principal financial
23 components of the president's or all chancellors'
24 appointments.

25 (7) Any performance-based bonus or incentive-based
26 compensation to the president or all chancellors of the

1 University must be approved by the Board in an open
2 meeting. The performance upon which the bonus is based
3 must be made available to the public no less than 48 hours
4 before Board approval of the performance-based bonus or
5 incentive-based compensation.

6 (8) Board minutes, board packets, and annual
7 performance reviews concerning the president or all
8 chancellors of the University must be made available to
9 the public on the University's Internet website.

10 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

11 (110 ILCS 670/15-265)

12 Sec. 15-265. Winter weather emergency closure; educational
13 support services pay. If a campus is closed due to a city,
14 county, or State declaration of a winter weather emergency,
15 the Board shall pay to its employees who provide educational
16 support services to the campus, including, but not limited to,
17 custodial employees, building maintenance employees,
18 transportation employees, food service providers, classroom
19 assistants, or administrative staff, their daily, regular rate
20 of pay and benefits rendered for the campus closure if the
21 closure precludes them from performing their regularly
22 scheduled duties and the employee would have reported for work
23 but for the closure; however, this requirement does not apply
24 if the day is rescheduled and the employee will be paid the
25 employee's daily, regular rate of pay and benefits for the

1 rescheduled day when services are rendered.

2 (Source: P.A. 103-749, eff. 1-1-25.)

3 (110 ILCS 670/15-270)

4 Sec. 15-270 ~~15-265~~. Enrollment reporting.

5 (a) The Board shall report to the Board of Higher
6 Education by the 15th business day after the start of the
7 academic year all of the following student enrollment data:

8 (1) The number of students enrolled at the start of
9 the previous academic year.

10 (2) The number of students enrolled full time at the
11 start of the previous academic year.

12 (3) The number of students enrolled at the start of
13 the current academic year.

14 (4) The number of students enrolled full time at the
15 start of the current academic year.

16 (5) The number of students enrolled in online learning
17 at the start of the previous academic year.

18 (6) The number of students enrolled in in-person
19 learning at the start of the previous academic year.

20 (7) The number of students enrolled in online learning
21 at the start of the current academic year.

22 (8) The number of students enrolled in in-person
23 learning at the start of the current academic year.

24 (9) The rolling average number of students enrolled
25 over the previous 5 academic years.

1 (b) The Board of Higher Education shall post the student
2 enrollment data reported under subsection (a) on its Internet
3 website.

4 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

5 Section 675. The Illinois State University Law is amended
6 by changing Section 20-190 and by setting forth and
7 renumbering multiple versions of Section 20-275 as follows:

8 (110 ILCS 675/20-190)

9 Sec. 20-190. Employment contract limitations. This Section
10 applies to the employment contracts of the president or all
11 chancellors of the University entered into, amended, renewed,
12 or extended after January 1, 2017 (the effective date of
13 Public Act 99-694) ~~this amendatory Act of the 99th General~~
14 ~~Assembly~~. This Section does not apply to collective bargaining
15 agreements. With respect to employment contracts entered into
16 with the president or all chancellors of the University:

17 (1) Severance under the contract may not exceed one
18 year's ~~year~~ salary and applicable benefits.

19 (2) A contract with a determinate start and end date
20 may not exceed 4 years.

21 (3) The contract may not include any automatic
22 rollover clauses.

23 (4) Severance payments or contract buyouts may be
24 placed in an escrow account if there are pending criminal

1 charges against the president or all chancellors of the
2 University related to their employment.

3 (5) Final action on the formation, renewal, extension,
4 or termination of the employment contracts of the
5 president or all chancellors of the University must be
6 made during an open meeting of the Board.

7 (6) Public notice, compliant with the provisions of
8 the Open Meetings Act, must be given prior to final action
9 on the formation, renewal, extension, or termination of
10 the employment contracts of the president or all
11 chancellors of the University and must include a copy of
12 the Board item or other documentation providing, at a
13 minimum, a description of the proposed principal financial
14 components of the president's or all chancellors'
15 appointments.

16 (7) Any performance-based bonus or incentive-based
17 compensation to the president or all chancellors of the
18 University must be approved by the Board in an open
19 meeting. The performance upon which the bonus is based
20 must be made available to the public no less than 48 hours
21 before Board approval of the performance-based bonus or
22 incentive-based compensation.

23 (8) Board minutes, board packets, and annual
24 performance reviews concerning the president or all
25 chancellors of the University must be made available to
26 the public on the University's Internet website.

1 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

2 (110 ILCS 675/20-275)

3 Sec. 20-275. Winter weather emergency closure; educational
4 support services pay. If a campus is closed due to a city,
5 county, or State declaration of a winter weather emergency,
6 the Board shall pay to its employees who provide educational
7 support services to the campus, including, but not limited to,
8 custodial employees, building maintenance employees,
9 transportation employees, food service providers, classroom
10 assistants, or administrative staff, their daily, regular rate
11 of pay and benefits rendered for the campus closure if the
12 closure precludes them from performing their regularly
13 scheduled duties and the employee would have reported for work
14 but for the closure; however, this requirement does not apply
15 if the day is rescheduled and the employee will be paid the
16 employee's daily, regular rate of pay and benefits for the
17 rescheduled day when services are rendered.

18 (Source: P.A. 103-749, eff. 1-1-25.)

19 (110 ILCS 675/20-280)

20 Sec. 20-280 ~~20-275~~. Enrollment reporting.

21 (a) The Board shall report to the Board of Higher
22 Education by the 15th business day after the start of the
23 academic year all of the following student enrollment data:

24 (1) The number of students enrolled at the start of

1 the previous academic year.

2 (2) The number of students enrolled full time at the
3 start of the previous academic year.

4 (3) The number of students enrolled at the start of
5 the current academic year.

6 (4) The number of students enrolled full time at the
7 start of the current academic year.

8 (5) The number of students enrolled in online learning
9 at the start of the previous academic year.

10 (6) The number of students enrolled in in-person
11 learning at the start of the previous academic year.

12 (7) The number of students enrolled in online learning
13 at the start of the current academic year.

14 (8) The number of students enrolled in in-person
15 learning at the start of the current academic year.

16 (9) The rolling average number of students enrolled
17 over the previous 5 academic years.

18 (b) The Board of Higher Education shall post the student
19 enrollment data reported under subsection (a) on its Internet
20 website.

21 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

22 Section 680. The Northeastern Illinois University Law is
23 amended by changing Section 25-185 and by setting forth and
24 renumbering multiple versions of Section 25-270 as follows:

1 (110 ILCS 680/25-185)

2 Sec. 25-185. Employment contract limitations. This Section
3 applies to the employment contracts of the president or all
4 chancellors of the University entered into, amended, renewed,
5 or extended after January 1, 2017 (the effective date of
6 Public Act 99-694) ~~this amendatory Act of the 99th General~~
7 ~~Assembly~~. This Section does not apply to collective bargaining
8 agreements. With respect to employment contracts entered into
9 with the president or all chancellors of the University:

10 (1) Severance under the contract may not exceed one
11 year's ~~year~~ salary and applicable benefits.

12 (2) A contract with a determinate start and end date
13 may not exceed 4 years.

14 (3) The contract may not include any automatic
15 rollover clauses.

16 (4) Severance payments or contract buyouts may be
17 placed in an escrow account if there are pending criminal
18 charges against the president or all chancellors of the
19 University related to their employment.

20 (5) Final action on the formation, renewal, extension,
21 or termination of the employment contracts of the
22 president or all chancellors of the University must be
23 made during an open meeting of the Board.

24 (6) Public notice, compliant with the provisions of
25 the Open Meetings Act, must be given prior to final action
26 on the formation, renewal, extension, or termination of

1 the employment contracts of the president or all
2 chancellors of the University and must include a copy of
3 the Board item or other documentation providing, at a
4 minimum, a description of the proposed principal financial
5 components of the president's or all chancellors'
6 appointments.

7 (7) Any performance-based bonus or incentive-based
8 compensation to the president or all chancellors of the
9 University must be approved by the Board in an open
10 meeting. The performance upon which the bonus is based
11 must be made available to the public no less than 48 hours
12 before Board approval of the performance-based bonus or
13 incentive-based compensation.

14 (8) Board minutes, board packets, and annual
15 performance reviews concerning the president or all
16 chancellors of the University must be made available to
17 the public on the University's Internet website.

18 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

19 (110 ILCS 680/25-270)

20 Sec. 25-270. Winter weather emergency closure; educational
21 support services pay. If a campus is closed due to a city,
22 county, or State declaration of a winter weather emergency,
23 the Board shall pay to its employees who provide educational
24 support services to the campus, including, but not limited to,
25 custodial employees, building maintenance employees,

1 transportation employees, food service providers, classroom
2 assistants, or administrative staff, their daily, regular rate
3 of pay and benefits rendered for the campus closure if the
4 closure precludes them from performing their regularly
5 scheduled duties and the employee would have reported for work
6 but for the closure; however, this requirement does not apply
7 if the day is rescheduled and the employee will be paid the
8 employee's daily, regular rate of pay and benefits for the
9 rescheduled day when services are rendered.

10 (Source: P.A. 103-749, eff. 1-1-25.)

11 (110 ILCS 680/25-275)

12 Sec. 25-275 ~~25-270~~. Enrollment reporting.

13 (a) The Board shall report to the Board of Higher
14 Education by the 15th business day after the start of the
15 academic year all of the following student enrollment data:

16 (1) The number of students enrolled at the start of
17 the previous academic year.

18 (2) The number of students enrolled full time at the
19 start of the previous academic year.

20 (3) The number of students enrolled at the start of
21 the current academic year.

22 (4) The number of students enrolled full time at the
23 start of the current academic year.

24 (5) The number of students enrolled in online learning
25 at the start of the previous academic year.

1 (6) The number of students enrolled in in-person
2 learning at the start of the previous academic year.

3 (7) The number of students enrolled in online learning
4 at the start of the current academic year.

5 (8) The number of students enrolled in in-person
6 learning at the start of the current academic year.

7 (9) The rolling average number of students enrolled
8 over the previous 5 academic years.

9 (b) The Board of Higher Education shall post the student
10 enrollment data reported under subsection (a) on its Internet
11 website.

12 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

13 Section 685. The Northern Illinois University Law is
14 amended by changing Section 30-195 and by setting forth and
15 renumbering multiple versions of Section 30-280 as follows:

16 (110 ILCS 685/30-195)

17 Sec. 30-195. Employment contract limitations. This Section
18 applies to the employment contracts of the president or all
19 chancellors of the University entered into, amended, renewed,
20 or extended after January 1, 2017 (the effective date of
21 Public Act 99-694) ~~this amendatory Act of the 99th General~~
22 ~~Assembly~~. This Section does not apply to collective bargaining
23 agreements. With respect to employment contracts entered into
24 with the president or all chancellors of the University:

1 (1) Severance under the contract may not exceed one
2 year's ~~year~~ salary and applicable benefits.

3 (2) A contract with a determinate start and end date
4 may not exceed 4 years.

5 (3) The contract may not include any automatic
6 rollover clauses.

7 (4) Severance payments or contract buyouts may be
8 placed in an escrow account if there are pending criminal
9 charges against the president or all chancellors of the
10 University related to their employment.

11 (5) Final action on the formation, renewal, extension,
12 or termination of the employment contracts of the
13 president or all chancellors of the University must be
14 made during an open meeting of the Board.

15 (6) Public notice, compliant with the provisions of
16 the Open Meetings Act, must be given prior to final action
17 on the formation, renewal, extension, or termination of
18 the employment contracts of the president or all
19 chancellors of the University and must include a copy of
20 the Board item or other documentation providing, at a
21 minimum, a description of the proposed principal financial
22 components of the president's or all chancellors'
23 appointments.

24 (7) Any performance-based bonus or incentive-based
25 compensation to the president or all chancellors of the
26 University must be approved by the Board in an open

1 meeting. The performance upon which the bonus is based
2 must be made available to the public no less than 48 hours
3 before Board approval of the performance-based bonus or
4 incentive-based compensation.

5 (8) Board minutes, board packets, and annual
6 performance reviews concerning the president or all
7 chancellors of the University must be made available to
8 the public on the University's Internet website.

9 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

10 (110 ILCS 685/30-280)

11 Sec. 30-280. Winter weather emergency closure; educational
12 support services pay. If a campus is closed due to a city,
13 county, or State declaration of a winter weather emergency,
14 the Board shall pay to its employees who provide educational
15 support services to the campus, including, but not limited to,
16 custodial employees, building maintenance employees,
17 transportation employees, food service providers, classroom
18 assistants, or administrative staff, their daily, regular rate
19 of pay and benefits rendered for the campus closure if the
20 closure precludes them from performing their regularly
21 scheduled duties and the employee would have reported for work
22 but for the closure; however, this requirement does not apply
23 if the day is rescheduled and the employee will be paid the
24 employee's daily, regular rate of pay and benefits for the
25 rescheduled day when services are rendered.

(Source: P.A. 103-749, eff. 1-1-25.)

(110 ILCS 685/30-285)

Sec. 30-285 ~~30-280~~. Enrollment reporting.

(a) The Board shall report to the Board of Higher Education by the 15th business day after the start of the academic year all of the following student enrollment data:

(1) The number of students enrolled at the start of the previous academic year.

(2) The number of students enrolled full time at the start of the previous academic year.

(3) The number of students enrolled at the start of the current academic year.

(4) The number of students enrolled full time at the start of the current academic year.

(5) The number of students enrolled in online learning at the start of the previous academic year.

(6) The number of students enrolled in in-person learning at the start of the previous academic year.

(7) The number of students enrolled in online learning at the start of the current academic year.

(8) The number of students enrolled in in-person learning at the start of the current academic year.

(9) The rolling average number of students enrolled over the previous 5 academic years.

(b) The Board of Higher Education shall post the student

1 enrollment data reported under subsection (a) on its Internet
2 website.

3 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

4 Section 690. The Western Illinois University Law is
5 amended by changing Sections 35-115 and 35-190 and by setting
6 forth and renumbering multiple versions of Section 35-275 as
7 follows:

8 (110 ILCS 690/35-115)

9 Sec. 35-115. Television station.

10 (a) The Board of Western Illinois University is
11 authorized, under applicable permit and license of the Federal
12 Communications ~~Communication~~ Commission, to construct and
13 operate an educational television station at or near Macomb,
14 Illinois with a translator at or near Moline, Illinois.

15 (b) The Board may apply on behalf of Western Illinois
16 University to the Department of Health, Education and Welfare
17 for funds, as authorized under the Educational Television
18 Facilities Act of 1962, to assist in the development of the
19 educational television program authorized in subsection (a).

20 (Source: P.A. 89-4, eff. 1-1-96; revised 10-23-24.)

21 (110 ILCS 690/35-190)

22 Sec. 35-190. Employment contract limitations. This Section
23 applies to the employment contracts of the president or all

1 chancellors of the University entered into, amended, renewed,
2 or extended after January 1, 2017 (the effective date of
3 Public Act 99-694) ~~this amendatory Act of the 99th General~~
4 ~~Assembly~~. This Section does not apply to collective bargaining
5 agreements. With respect to employment contracts entered into
6 with the president or all chancellors of the University:

7 (1) Severance under the contract may not exceed one
8 year's ~~year~~ salary and applicable benefits.

9 (2) A contract with a determinate start and end date
10 may not exceed 4 years.

11 (3) The contract may not include any automatic
12 rollover clauses.

13 (4) Severance payments or contract buyouts may be
14 placed in an escrow account if there are pending criminal
15 charges against the president or all chancellors of the
16 University related to their employment.

17 (5) Final action on the formation, renewal, extension,
18 or termination of the employment contracts of the
19 president or all chancellors of the University must be
20 made during an open meeting of the Board.

21 (6) Public notice, compliant with the provisions of
22 the Open Meetings Act, must be given prior to final action
23 on the formation, renewal, extension, or termination of
24 the employment contracts of the president or all
25 chancellors of the University and must include a copy of
26 the Board item or other documentation providing, at a

1 minimum, a description of the proposed principal financial
2 components of the president's or all chancellors'
3 appointments.

4 (7) Any performance-based bonus or incentive-based
5 compensation to the president or all chancellors of the
6 University must be approved by the Board in an open
7 meeting. The performance upon which the bonus is based
8 must be made available to the public no less than 48 hours
9 before Board approval of the performance-based bonus or
10 incentive-based compensation.

11 (8) Board minutes, board packets, and annual
12 performance reviews concerning the president or all
13 chancellors of the University must be made available to
14 the public on the University's Internet website.

15 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

16 (110 ILCS 690/35-275)

17 Sec. 35-275. Winter weather emergency closure; educational
18 support services pay. If a campus is closed due to a city,
19 county, or State declaration of a winter weather emergency,
20 the Board shall pay to its employees who provide educational
21 support services to the campus, including, but not limited to,
22 custodial employees, building maintenance employees,
23 transportation employees, food service providers, classroom
24 assistants, or administrative staff, their daily, regular rate
25 of pay and benefits rendered for the campus closure if the

1 closure precludes them from performing their regularly
2 scheduled duties and the employee would have reported for work
3 but for the closure; however, this requirement does not apply
4 if the day is rescheduled and the employee will be paid the
5 employee's daily, regular rate of pay and benefits for the
6 rescheduled day when services are rendered.

7 (Source: P.A. 103-749, eff. 1-1-25.)

8 (110 ILCS 690/35-280)

9 Sec. 35-280 ~~35-275~~. Enrollment reporting.

10 (a) The Board shall report to the Board of Higher
11 Education by the 15th business day after the start of the
12 academic year all of the following student enrollment data:

13 (1) The number of students enrolled at the start of
14 the previous academic year.

15 (2) The number of students enrolled full time at the
16 start of the previous academic year.

17 (3) The number of students enrolled at the start of
18 the current academic year.

19 (4) The number of students enrolled full time at the
20 start of the current academic year.

21 (5) The number of students enrolled in online learning
22 at the start of the previous academic year.

23 (6) The number of students enrolled in in-person
24 learning at the start of the previous academic year.

25 (7) The number of students enrolled in online learning

1 at the start of the current academic year.

2 (8) The number of students enrolled in in-person
3 learning at the start of the current academic year.

4 (9) The rolling average number of students enrolled
5 over the previous 5 academic years.

6 (b) The Board of Higher Education shall post the student
7 enrollment data reported under subsection (a) on its Internet
8 website.

9 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

10 Section 695. The Public Community College Act is amended
11 by changing Sections 3-20.3.01 and 3-65 and by setting forth
12 and renumbering multiple versions of Section 3-29.26 as
13 follows:

14 (110 ILCS 805/3-20.3.01) (from Ch. 122, par. 103-20.3.01)

15 Sec. 3-20.3.01. Whenever, as a result of any lawful order
16 of any agency, other than a local community college board,
17 having authority to enforce any law or regulation designed for
18 the protection, health, or safety of community college
19 students, employees, or visitors, or any law or regulation for
20 the protection and safety of the environment, pursuant to the
21 "Environmental Protection Act", any local community college
22 district, including any district to which Article VII of this
23 Act applies, is required to alter or repair any physical
24 facilities, or whenever any district determines that it is

1 necessary for energy conservation, health, or safety,
2 environmental protection or accessibility purposes that any
3 physical facilities should be altered or repaired and that
4 such alterations or repairs will be made with funds not
5 necessary for the completion of approved and recommended
6 projects for fire prevention and safety, or whenever after
7 September 11, 1984 (the effective date of Public Act 83-1366)
8 ~~this amendatory Act of 1984~~ any district, including any
9 district to which Article VII applies, provides for
10 alterations or repairs determined by the local community
11 college board to be necessary for health and safety,
12 environmental protection, accessibility or energy conservation
13 purposes, such district may, by proper resolution which
14 specifically identifies the project and which is adopted
15 pursuant to the provisions of the Open Meetings Act, levy a tax
16 for the purpose of paying for such alterations or repairs, or
17 survey by a licensed architect or engineer, upon the equalized
18 assessed value of all the taxable property of the district at a
19 rate not to exceed .05% per year for a period sufficient to
20 finance such alterations or repairs, upon the following
21 conditions:

22 (a) When in the judgment of the local community
23 college board of trustees there are not sufficient funds
24 available in the operations and maintenance fund of the
25 district to permanently pay for such alterations or
26 repairs so ordered, determined as necessary.

1 (b) When a certified estimate of a licensed architect
2 or engineer stating the estimated amount that is necessary
3 to make the alterations or repairs so ordered or
4 determined as necessary has been secured by the local
5 community college district.

6 The filing of a certified copy of the resolution or
7 ordinance levying the tax shall be the authority of the county
8 clerk or clerks to extend such tax; provided, however, that in
9 no event shall the extension for the current and preceding
10 years, if any, under this Section be greater than the amount so
11 approved, and interest on bonds issued pursuant to this
12 Section and in the event such current extension and preceding
13 extensions exceed such approval and interest, it shall be
14 reduced proportionately.

15 The county clerk of each of the counties in which any
16 community college district levying a tax under the authority
17 of this Section is located, in reducing raised levies, shall
18 not consider any such tax as a part of the general levy for
19 community college purposes and shall not include the same in
20 the limitation of any other tax rate which may be extended.
21 Such tax shall be levied and collected in like manner as all
22 other taxes of community college districts.

23 The tax rate limit hereinabove specified in this Section
24 may be increased to .10% upon the approval of a proposition to
25 effect such increase by a majority of the electors voting on
26 that proposition at a regular scheduled election. Such

1 proposition may be initiated by resolution of the local
2 community college board and shall be certified by the
3 secretary of the local community college board to the proper
4 election authorities for submission in accordance with the
5 general election law.

6 Each local community college district authorized to levy
7 any tax pursuant to this Section may also or in the alternative
8 by proper resolution or ordinance borrow money for such
9 specifically identified purposes not in excess of \$4,500,000
10 in the aggregate at any one time when in the judgment of the
11 local community college board of trustees there are not
12 sufficient funds available in the operations and maintenance
13 fund of the district to permanently pay for such alterations
14 or repairs so ordered or determined as necessary and a
15 certified estimate of a licensed architect or engineer stating
16 the estimated amount has been secured by the local community
17 college district, and as evidence of such indebtedness may
18 issue bonds without referendum. However, Community College
19 District No. 522 and Community College District No. 536 may or
20 in the alternative by proper resolution or ordinance borrow
21 money for such specifically identified purposes not in excess
22 of \$20,000,000 in the aggregate at any one time when in the
23 judgment of the community college board of trustees there are
24 not sufficient funds available in the operations and
25 maintenance fund of the district to permanently pay for such
26 alterations or repairs so ordered or determined as necessary

1 and a certified estimate of a licensed architect or engineer
2 stating the estimated amount has been secured by the community
3 college district, and as evidence of such indebtedness may
4 issue bonds without referendum. Such bonds shall bear interest
5 at a rate or rates authorized by the Bond Authorization Act "~~An~~
6 ~~Act to authorize public corporations to issue bonds, other~~
7 ~~evidences of indebtedness and tax anticipation warrants~~
8 ~~subject to interest rate limitations set forth therein~~",
9 ~~approved May 26, 1970, as now or hereafter amended~~, shall
10 mature within 20 years from date, and shall be signed by the
11 chairman, secretary, and treasurer of the local community
12 college board.

13 In order to authorize and issue such bonds the local
14 community college board shall adopt a resolution fixing the
15 amount of bonds, the date thereof, the maturities thereof and
16 rates of interest thereof, and the board by such resolution,
17 or in a district to which Article VII applies the city council
18 upon demand and under the direction of the board by ordinance,
19 shall provide for the levy and collection of a direct annual
20 tax upon all the taxable property in the local community
21 college district sufficient to pay the principal and interest
22 on such bonds to maturity. Upon the filing in the office of the
23 county clerk of each of the counties in which the community
24 college district is located of a certified copy of such
25 resolution or ordinance it is the duty of the county clerk or
26 clerks to extend the tax therefor without limit as to rate or

1 amount and in addition to and in excess of all other taxes
2 heretofore or hereafter authorized to be levied by such
3 community college district.

4 The State Board shall set through administrative rule
5 regulations and specifications for minimum requirements for
6 the construction, remodeling, or rehabilitation of heating,
7 ventilating, air conditioning, lighting, seating, water
8 supply, toilet, accessibility, fire safety, and any other
9 matter that will conserve, preserve, or provide for the
10 protection and the health or safety of individuals in or on
11 community college property and will conserve the integrity of
12 the physical facilities of the district.

13 This Section is cumulative and constitutes complete
14 authority for the issuance of bonds as provided in this
15 Section notwithstanding any other statute or law to the
16 contrary.

17 (Source: P.A. 99-143, eff. 7-27-15; 99-655, eff. 7-28-16;
18 revised 7-19-24.)

19 (110 ILCS 805/3-29.26)

20 Sec. 3-29.26. Winter weather emergency closure;
21 educational support services pay. If a campus is closed due to
22 a city, county, or State declaration of a winter weather
23 emergency, the board shall pay to its employees who provide
24 educational support services to the campus, including, but not
25 limited to, custodial employees, building maintenance

1 employees, transportation employees, food service providers,
2 classroom assistants, or administrative staff, their daily,
3 regular rate of pay and benefits rendered for the campus
4 closure if the closure precludes them from performing their
5 regularly scheduled duties and the employee would have
6 reported for work but for the closure; however, this
7 requirement does not apply if the day is rescheduled and the
8 employee will be paid the employee's daily, regular rate of
9 pay and benefits for the rescheduled day when services are
10 rendered.

11 (Source: P.A. 103-749, eff. 1-1-25.)

12 (110 ILCS 805/3-29.27)

13 Sec. 3-29.27 ~~3-29.26~~. Enrollment reporting.

14 (a) Annually, on or before October 1, each board shall
15 report to the State Board all of the following student
16 enrollment data:

17 (1) The number of students enrolled at the start of
18 the previous academic year.

19 (2) The number of students enrolled full time at the
20 start of the previous academic year.

21 (3) The number of students enrolled at the start of
22 the current academic year.

23 (4) The number of students enrolled full time at the
24 start of the current academic year.

25 (5) The number of students enrolled in online learning

1 at the start of the previous academic year.

2 (6) The number of students enrolled in in-person
3 learning at the start of the previous academic year.

4 (7) The number of students enrolled in online learning
5 at the start of the current academic year.

6 (8) The number of students enrolled in in-person
7 learning at the start of the current academic year.

8 (9) The rolling average number of students enrolled
9 over the previous 5 academic years.

10 (b) The State Board shall post the student enrollment data
11 reported under subsection (a) on its Internet website.

12 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

13 (110 ILCS 805/3-65)

14 Sec. 3-65. Employment contract limitations.

15 (a) This Section applies to employment contracts entered
16 into, amended, renewed, or extended after September 22, 2015
17 (the effective date of Public Act 99-482) ~~this amendatory Act~~
18 ~~of the 99th General Assembly~~. This Section does not apply to
19 collective bargaining agreements.

20 (b) The following apply to any employment contract entered
21 into with an employee of the community college district:

22 (1) Severance under the contract may not exceed one
23 year's ~~year~~ salary and applicable benefits.

24 (2) A contract with a determinate start and end date
25 may not exceed 4 years.

1 (3) The contract may not include any automatic
2 rollover clauses, and all renewals or extensions of
3 contracts must be made during an open meeting of the
4 board.

5 (4) Public notice, in a form as determined by the
6 State Board, must be given of an employment contract
7 entered into, amended, renewed, or extended and must
8 include a complete description of the action to be taken,
9 as well the contract itself, including all addendums or
10 any other documents that change an initial contract.

11 (Source: P.A. 99-482, eff. 9-22-15; revised 7-19-24.)

12 Section 700. The Higher Education Student Assistance Act
13 is amended by changing Sections 50 and 52 and by setting forth
14 and renumbering multiple versions of Section 65.125 as
15 follows:

16 (110 ILCS 947/50)

17 Sec. 50. Minority Teachers of Illinois scholarship
18 program.

19 (a) As used in this Section:

20 "Eligible applicant" means a minority student who has
21 graduated from high school or has received a State of
22 Illinois High School Diploma and has maintained a
23 cumulative grade point average of no less than 2.5 on a 4.0
24 scale, and who by reason thereof is entitled to apply for

1 scholarships to be awarded under this Section.

2 "Minority student" means a student who is any of the
3 following:

4 (1) American Indian or Alaska Native (a person
5 having origins in any of the original peoples of North
6 and South America, including Central America, and who
7 maintains tribal affiliation or community attachment).

8 (2) Asian (a person having origins in any of the
9 original peoples of the Far East, Southeast Asia, or
10 the Indian subcontinent, including, but not limited
11 to, Cambodia, China, India, Japan, Korea, Malaysia,
12 Pakistan, the Philippine Islands, Thailand, and
13 Vietnam).

14 (3) Black or African American (a person having
15 origins in any of the black racial groups of Africa).

16 (4) Hispanic or Latino (a person of Cuban,
17 Mexican, Puerto Rican, South or Central American, or
18 other Spanish culture or origin, regardless of race).

19 (5) Native Hawaiian or Other Pacific Islander (a
20 person having origins in any of the original peoples
21 of Hawaii, Guam, Samoa, or other Pacific Islands).

22 "Qualified bilingual minority applicant" means a
23 qualified student who demonstrates proficiency in a
24 language other than English by (i) receiving a State Seal
25 of Biliteracy from the State Board of Education or (ii)
26 receiving a passing score on an educator licensure target

1 language proficiency test.

2 "Qualified student" means a person (i) who is a
3 resident of this State and a citizen or permanent resident
4 of the United States; (ii) who is a minority student, as
5 defined in this Section; (iii) who, as an eligible
6 applicant, has made a timely application for a minority
7 teaching scholarship under this Section; (iv) who is
8 enrolled on at least a half-time basis at a qualified
9 Illinois institution of higher learning; (v) who is
10 enrolled in a course of study leading to teacher
11 licensure, including alternative teacher licensure, or, if
12 the student is already licensed to teach, in a course of
13 study leading to an additional teaching endorsement or a
14 master's degree in an academic field in which he or she is
15 teaching or plans to teach or who has received one or more
16 College and Career Pathway Endorsements pursuant to
17 Section 80 of the Postsecondary and Workforce Readiness
18 Act and commits to enrolling in a course of study leading
19 to teacher licensure, including alternative teacher
20 licensure; (vi) who maintains a grade point average of no
21 less than 2.5 on a 4.0 scale; and (vii) who continues to
22 advance satisfactorily toward the attainment of a degree.

23 (b) In order to encourage academically talented Illinois
24 minority students to pursue teaching careers at the preschool
25 or elementary or secondary school level and to address and
26 alleviate the teacher shortage crisis in this State described

1 under the provisions of the Transitions in Education Act, each
2 qualified student shall be awarded a minority teacher
3 scholarship to any qualified Illinois institution of higher
4 learning. However, preference may be given to qualified
5 applicants enrolled at or above the junior level.

6 (c) Each minority teacher scholarship awarded under this
7 Section shall be in an amount sufficient to pay the tuition and
8 fees and room and board costs of the qualified Illinois
9 institution of higher learning at which the recipient is
10 enrolled, up to an annual maximum of \$5,000; except that in the
11 case of a recipient who does not reside on-campus at the
12 institution at which he or she is enrolled, the amount of the
13 scholarship shall be sufficient to pay tuition and fee
14 expenses and a commuter allowance, up to an annual maximum of
15 \$5,000. However, if at least \$2,850,000 is appropriated in a
16 given fiscal year for the Minority Teachers of Illinois
17 scholarship program, then, in each fiscal year thereafter,
18 each scholarship awarded under this Section shall be in an
19 amount sufficient to pay the tuition and fees and room and
20 board costs of the qualified Illinois institution of higher
21 learning at which the recipient is enrolled, up to an annual
22 maximum of \$7,500; except that in the case of a recipient who
23 does not reside on-campus at the institution at which he or she
24 is enrolled, the amount of the scholarship shall be sufficient
25 to pay tuition and fee expenses and a commuter allowance, up to
26 an annual maximum of \$7,500.

1 (d) The total amount of minority teacher scholarship
2 assistance awarded by the Commission under this Section to an
3 individual in any given fiscal year, when added to other
4 financial assistance awarded to that individual for that year,
5 shall not exceed the cost of attendance at the institution at
6 which the student is enrolled. If the amount of a minority
7 teacher scholarship to be awarded to a qualified student as
8 provided in subsection (c) of this Section exceeds the cost of
9 attendance at the institution at which the student is
10 enrolled, the minority teacher scholarship shall be reduced by
11 an amount equal to the amount by which the combined financial
12 assistance available to the student exceeds the cost of
13 attendance.

14 (e) The maximum number of academic terms for which a
15 qualified student can receive minority teacher scholarship
16 assistance shall be 8 semesters or 12 quarters.

17 (f) In any academic year for which an eligible applicant
18 under this Section accepts financial assistance through the
19 Paul Douglas Teacher Scholarship Program, as authorized by
20 Section 551 et seq. of the Higher Education Act of 1965, the
21 applicant shall not be eligible for scholarship assistance
22 awarded under this Section.

23 (g) All applications for minority teacher scholarships to
24 be awarded under this Section shall be made to the Commission
25 on forms which the Commission shall provide for eligible
26 applicants. The form of applications and the information

1 required to be set forth therein shall be determined by the
2 Commission, and the Commission shall require eligible
3 applicants to submit with their applications such supporting
4 documents or recommendations as the Commission deems
5 necessary.

6 (h) Subject to a separate appropriation for such purposes,
7 payment of any minority teacher scholarship awarded under this
8 Section shall be determined by the Commission. All scholarship
9 funds distributed in accordance with this subsection shall be
10 paid to the institution and used only for payment of the
11 tuition and fee and room and board expenses incurred by the
12 student in connection with his or her attendance at a
13 qualified Illinois institution of higher learning. Any
14 minority teacher scholarship awarded under this Section shall
15 be applicable to 2 semesters or 3 quarters of enrollment. If a
16 qualified student withdraws from enrollment prior to
17 completion of the first semester or quarter for which the
18 minority teacher scholarship is applicable, the school shall
19 refund to the Commission the full amount of the minority
20 teacher scholarship.

21 (i) The Commission shall administer the minority teacher
22 scholarship aid program established by this Section and shall
23 make all necessary and proper rules not inconsistent with this
24 Section for its effective implementation.

25 (j) When an appropriation to the Commission for a given
26 fiscal year is insufficient to provide scholarships to all

1 qualified students, the Commission shall allocate the
2 appropriation in accordance with this subsection. If funds are
3 insufficient to provide all qualified students with a
4 scholarship as authorized by this Section, the Commission
5 shall allocate the available scholarship funds for that fiscal
6 year to qualified students who submit a complete application
7 form on or before a date specified by the Commission based on
8 the following order of priority:

9 (1) To students who received a scholarship under this
10 Section in the prior academic year and who remain eligible
11 for a minority teacher scholarship under this Section.

12 (2) Except as otherwise provided in subsection (k), to
13 students who demonstrate financial need, as determined by
14 the Commission.

15 (k) Notwithstanding paragraph (2) of subsection (j), at
16 least 35% of the funds appropriated for scholarships awarded
17 under this Section in each fiscal year shall be reserved for
18 qualified male minority applicants, with priority being given
19 to qualified Black male applicants beginning with fiscal year
20 2023. If the Commission does not receive enough applications
21 from qualified male minorities on or before January 1 of each
22 fiscal year to award 35% of the funds appropriated for these
23 scholarships to qualified male minority applicants, then the
24 Commission may award a portion of the reserved funds to
25 qualified female minority applicants in accordance with
26 subsection (j).

1 Beginning with fiscal year 2023, if at least \$2,850,000
2 but less than \$4,200,000 is appropriated in a given fiscal
3 year for scholarships awarded under this Section, then at
4 least 10% of the funds appropriated shall be reserved for
5 qualified bilingual minority applicants, with priority being
6 given to qualified bilingual minority applicants who are
7 enrolled in an educator preparation program with a
8 concentration in bilingual, bicultural education. Beginning
9 with fiscal year 2023, if at least \$4,200,000 is appropriated
10 in a given fiscal year for the Minority Teachers of Illinois
11 scholarship program, then at least 30% of the funds
12 appropriated shall be reserved for qualified bilingual
13 minority applicants, with priority being given to qualified
14 bilingual minority applicants who are enrolled in an educator
15 preparation program with a concentration in bilingual,
16 bicultural education. Beginning with fiscal year 2023, if at
17 least \$2,850,000 is appropriated in a given fiscal year for
18 scholarships awarded under this Section but the Commission
19 does not receive enough applications from qualified bilingual
20 minority applicants on or before January 1 of that fiscal year
21 to award at least 10% of the funds appropriated to qualified
22 bilingual minority applicants, then the Commission may, in its
23 discretion, award a portion of the reserved funds to other
24 qualified students in accordance with subsection (j).

25 (1) Prior to receiving scholarship assistance for any
26 academic year, each recipient of a minority teacher

1 scholarship awarded under this Section shall be required by
2 the Commission to sign an agreement under which the recipient
3 pledges that, within the one-year period following the
4 termination of the program for which the recipient was awarded
5 a minority teacher scholarship, the recipient (i) shall begin
6 teaching for a period of not less than one year for each year
7 of scholarship assistance he or she was awarded under this
8 Section; (ii) shall fulfill this teaching obligation at a
9 nonprofit Illinois public, private, or parochial preschool,
10 elementary school, or secondary school at which no less than
11 30% of the enrolled students are minority students in the year
12 during which the recipient begins teaching at the school or
13 may instead, if the recipient received a scholarship as a
14 qualified bilingual minority applicant, fulfill this teaching
15 obligation in a program in transitional bilingual education
16 pursuant to Article 14C of the School Code or in a school in
17 which 20 or more English learner students in the same language
18 classification are enrolled; and (iii) shall, upon request by
19 the Commission, provide the Commission with evidence that he
20 or she is fulfilling or has fulfilled the terms of the teaching
21 agreement provided for in this subsection.

22 (m) If a recipient of a minority teacher scholarship
23 awarded under this Section fails to fulfill the teaching
24 obligation set forth in subsection (l) of this Section, the
25 Commission shall require the recipient to repay the amount of
26 the scholarships received, prorated according to the fraction

1 of the teaching obligation not completed, at a rate of
2 interest equal to 5%, and, if applicable, reasonable
3 collection fees. If a recipient who enters into repayment
4 under this subsection (m) subsequently, within 5 years of
5 entering repayment, begins to teach at a school meeting the
6 description under subsection (l) of this Section, the
7 Commission may reduce the amount owed by the recipient in
8 proportion to the amount of the teaching obligation completed.
9 The Commission is authorized to establish rules relating to
10 its collection activities for repayment of scholarships under
11 this Section. All repayments collected under this Section
12 shall be forwarded to the State Comptroller for deposit into
13 the State's General Revenue Fund.

14 (n) A recipient of minority teacher scholarship shall not
15 be considered in violation of the agreement entered into
16 pursuant to subsection (l) if the recipient (i) enrolls on a
17 full time basis as a graduate student in a course of study
18 related to the field of teaching at a qualified Illinois
19 institution of higher learning; (ii) is serving, not in excess
20 of 3 years, as a member of the armed services of the United
21 States; (iii) is a person with a temporary total disability
22 for a period of time not to exceed 3 years as established by
23 sworn affidavit of a qualified physician; (iv) is seeking and
24 unable to find full time employment as a teacher at an Illinois
25 public, private, or parochial preschool or elementary or
26 secondary school that satisfies the criteria set forth in

1 subsection (l) of this Section and is able to provide evidence
2 of that fact; (v) becomes a person with a permanent total
3 disability as established by sworn affidavit of a qualified
4 physician; (vi) is taking additional courses, on at least a
5 half-time basis, needed to obtain licensure as a teacher in
6 Illinois; or (vii) is fulfilling teaching requirements
7 associated with other programs administered by the Commission
8 and cannot concurrently fulfill them under this Section in a
9 period of time equal to the length of the teaching obligation.

10 (o) Scholarship recipients under this Section who withdraw
11 from a program of teacher education but remain enrolled in
12 school to continue their postsecondary studies in another
13 academic discipline shall not be required to commence
14 repayment of their Minority Teachers of Illinois scholarship
15 so long as they remain enrolled in school on a full-time basis
16 or if they can document for the Commission special
17 circumstances that warrant extension of repayment.

18 (p) If the Minority Teachers of Illinois scholarship
19 program does not expend at least 90% of the amount
20 appropriated for the program in a given fiscal year for 3
21 consecutive fiscal years and the Commission does not receive
22 enough applications from the groups identified in subsection
23 (k) on or before January 1 in each of those fiscal years to
24 meet the percentage reserved for those groups under subsection
25 (k), then up to 3% of amount appropriated for the program for
26 each of next 3 fiscal years shall be allocated to increasing

1 awareness of the program and for the recruitment of Black male
2 applicants. The Commission shall make a recommendation to the
3 General Assembly by January 1 of the year immediately
4 following the end of that third fiscal year regarding whether
5 the amount allocated to increasing awareness and recruitment
6 should continue.

7 (q) Each qualified Illinois institution of higher learning
8 that receives funds from the Minority Teachers of Illinois
9 scholarship program shall host an annual information session
10 at the institution about the program for teacher candidates of
11 color in accordance with rules adopted by the Commission.
12 Additionally, the institution shall ensure that each
13 scholarship recipient enrolled at the institution meets with
14 an academic advisor at least once per academic year to
15 facilitate on-time completion of the recipient's educator
16 preparation program.

17 (r) The changes made to this Section by Public Act 101-654
18 will first take effect with awards made for the 2022-2023
19 academic year.

20 (Source: P.A. 102-465, eff. 1-1-22; 102-813, eff. 5-13-22;
21 102-1100, eff. 1-1-23; 103-448, eff. 8-4-23; revised 7-19-24.)

22 (110 ILCS 947/52)

23 Sec. 52. Golden Apple Scholars of Illinois Program; Golden
24 Apple Foundation for Excellence in Teaching.

25 (a) In this Section, "Foundation" means the Golden Apple

1 Foundation for Excellence in Teaching, a registered 501(c)(3)
2 not-for-profit corporation.

3 (a-2) In order to encourage academically talented Illinois
4 students, especially minority students, to pursue teaching
5 careers, especially in teacher shortage disciplines (which
6 shall be defined to include early childhood education) or at
7 hard-to-staff schools (as defined by the Commission in
8 consultation with the State Board of Education), to provide
9 those students with the crucial mentoring, guidance, and
10 in-service support that will significantly increase the
11 likelihood that they will complete their full teaching
12 commitments and elect to continue teaching in targeted
13 disciplines and hard-to-staff schools, and to ensure that
14 students in this State will continue to have access to a pool
15 of highly qualified ~~highly-qualified~~ teachers, each qualified
16 student shall be awarded a Golden Apple Scholars of Illinois
17 Program scholarship to any Illinois institution of higher
18 learning. The Commission shall administer the Golden Apple
19 Scholars of Illinois Program, which shall be managed by the
20 Foundation pursuant to the terms of a grant agreement meeting
21 the requirements of Section 4 of the Illinois Grant Funds
22 Recovery Act.

23 (a-3) For purposes of this Section, a qualified student
24 shall be a student who meets the following qualifications:

25 (1) is a resident of this State and a citizen or
26 eligible noncitizen of the United States;

1 (2) is a high school graduate or a person who has
2 received a State of Illinois High School Diploma;

3 (3) is enrolled or accepted, on at least a half-time
4 basis, at an institution of higher learning;

5 (4) is pursuing a postsecondary course of study
6 leading to initial certification or pursuing additional
7 course work needed to gain State Board of Education
8 approval to teach, including alternative teacher
9 licensure; and

10 (5) is a participant in programs managed by and is
11 approved to receive a scholarship from the Foundation.

12 (a-5) (Blank).

13 (b) (Blank).

14 (b-5) Funds designated for the Golden Apple Scholars of
15 Illinois Program shall be used by the Commission for the
16 payment of scholarship assistance under this Section or for
17 the award of grant funds, subject to the Illinois Grant Funds
18 Recovery Act, to the Foundation. Subject to appropriation,
19 awards of grant funds to the Foundation shall be made on an
20 annual basis and following an application for grant funds by
21 the Foundation.

22 (b-10) Each year, the Foundation shall include in its
23 application to the Commission for grant funds an estimate of
24 the amount of scholarship assistance to be provided to
25 qualified students during the grant period. Any amount of
26 appropriated funds exceeding the estimated amount of

1 scholarship assistance may be awarded by the Commission to the
2 Foundation for management expenses expected to be incurred by
3 the Foundation in providing the mentoring, guidance, and
4 in-service supports that will increase the likelihood that
5 qualified students will complete their teaching commitments
6 and elect to continue teaching in hard-to-staff schools. If
7 the estimate of the amount of scholarship assistance described
8 in the Foundation's application is less than the actual amount
9 required for the award of scholarship assistance to qualified
10 students, the Foundation shall be responsible for using
11 awarded grant funds to ensure all qualified students receive
12 scholarship assistance under this Section.

13 (b-15) All grant funds not expended or legally obligated
14 within the time specified in a grant agreement between the
15 Foundation and the Commission shall be returned to the
16 Commission within 45 days. Any funds legally obligated by the
17 end of a grant agreement shall be liquidated within 45 days or
18 otherwise returned to the Commission within 90 days after the
19 end of the grant agreement that resulted in the award of grant
20 funds.

21 (c) Each scholarship awarded under this Section shall be
22 in an amount sufficient to pay the tuition and fees and room
23 and board costs of the Illinois institution of higher learning
24 at which the recipient is enrolled, up to an annual maximum of
25 \$5,000; except that, in the case of a recipient who does not
26 reside on campus at the institution of higher learning at

1 which he or she is enrolled, the amount of the scholarship
2 shall be sufficient to pay tuition and fee expenses and a
3 commuter allowance, up to an annual maximum of \$5,000. All
4 scholarship funds distributed in accordance with this Section
5 shall be paid to the institution on behalf of recipients.

6 (d) The total amount of scholarship assistance awarded by
7 the Commission under this Section to an individual in any
8 given fiscal year, when added to other financial assistance
9 awarded to that individual for that year, shall not exceed the
10 cost of attendance at the institution of higher learning at
11 which the student is enrolled. In any academic year for which a
12 qualified student under this Section accepts financial
13 assistance through any other teacher scholarship program
14 administered by the Commission, a qualified student shall not
15 be eligible for scholarship assistance awarded under this
16 Section.

17 (e) A recipient may receive up to 8 semesters or 12
18 quarters of scholarship assistance under this Section.
19 Scholarship funds are applicable toward 2 semesters or 3
20 quarters of enrollment each academic year.

21 (f) All applications for scholarship assistance to be
22 awarded under this Section shall be made to the Foundation in a
23 form determined by the Foundation. Each year, the Foundation
24 shall notify the Commission of the individuals awarded
25 scholarship assistance under this Section. Each year, at least
26 30% of the Golden Apple Scholars of Illinois Program

1 scholarships shall be awarded to students residing in counties
2 having a population of less than 500,000.

3 (g) (Blank).

4 (h) The Commission shall administer the payment of
5 scholarship assistance provided through the Golden Apple
6 Scholars of Illinois Program and shall make all necessary and
7 proper rules not inconsistent with this Section for the
8 effective implementation of this Section.

9 (i) Prior to receiving scholarship assistance for any
10 academic year, each recipient of a scholarship awarded under
11 this Section shall be required by the Foundation to sign an
12 agreement under which the recipient pledges that, within the
13 2-year period following the termination of the academic
14 program for which the recipient was awarded a scholarship, the
15 recipient: (i) shall begin teaching for a period of not less
16 than 5 years, (ii) shall fulfill this teaching obligation at a
17 nonprofit Illinois public, private, or parochial preschool or
18 an Illinois public elementary or secondary school that
19 qualifies for teacher loan cancellation under Section
20 465(a)(2)(A) of the federal Higher Education Act of 1965 (20
21 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed
22 eligible for fulfilling the teaching commitment as designated
23 by the Foundation, and (iii) shall, upon request of the
24 Foundation, provide the Foundation with evidence that he or
25 she is fulfilling or has fulfilled the terms of the teaching
26 agreement provided for in this subsection. Upon request, the

1 Foundation shall provide evidence of teacher fulfillment to
2 the Commission.

3 (j) If a recipient of a scholarship awarded under this
4 Section fails to fulfill the teaching obligation set forth in
5 subsection (i) of this Section, the Commission shall require
6 the recipient to repay the amount of the scholarships
7 received, prorated according to the fraction of the teaching
8 obligation not completed, plus interest at a rate of 5% and, if
9 applicable, reasonable collection fees. If a recipient who
10 enters into repayment under this subsection (j) subsequently,
11 within 5 years of entering repayment, begins to teach at a
12 school meeting the description under subsection (i) of this
13 Section, the Commission may reduce the amount owed by the
14 recipient in proportion to the amount of the teaching
15 obligation completed. Reduction of the amount owed shall not
16 be construed as reinstatement in the Golden Apple Scholars
17 program. Reinstatement in the program shall be solely at the
18 discretion of the Golden Apple Foundation on terms determined
19 by the Foundation. Payments received by the Commission under
20 this subsection (j) shall be remitted to the State Comptroller
21 for deposit into the General Revenue Fund, except that that
22 portion of a recipient's repayment that equals the amount in
23 expenses that the Commission has reasonably incurred in
24 attempting collection from that recipient shall be remitted to
25 the State Comptroller for deposit into the ISAC Accounts
26 Receivable Fund, a special fund in the State treasury.

1 (k) A recipient of a scholarship awarded by the Foundation
2 under this Section shall not be considered to have failed to
3 fulfill the teaching obligations of the agreement entered into
4 pursuant to subsection (i) if the recipient (i) enrolls on a
5 full-time basis as a graduate student in a course of study
6 related to the field of teaching at an institution of higher
7 learning; (ii) is serving as a member of the armed services of
8 the United States; (iii) is a person with a temporary total
9 disability, as established by sworn affidavit of a qualified
10 physician; (iv) is seeking and unable to find full-time
11 employment as a teacher at a school that satisfies the
12 criteria set forth in subsection (i) and is able to provide
13 evidence of that fact; (v) is taking additional courses, on at
14 least a half-time basis, needed to obtain certification as a
15 teacher in Illinois; (vi) is fulfilling teaching requirements
16 associated with other programs administered by the Commission
17 and cannot concurrently fulfill them under this Section in a
18 period of time equal to the length of the teaching obligation;
19 or (vii) is participating in a program established under
20 Executive Order 10924 of the President of the United States or
21 the federal National Community Service Act of 1990 (42 U.S.C.
22 12501 et seq.). Any such extension of the period during which
23 the teaching requirement must be fulfilled shall be subject to
24 limitations of duration as established by the Commission.

25 (l) A recipient who fails to fulfill the teaching
26 obligations of the agreement entered into pursuant to

1 subsection (i) of this Section shall repay the amount of
2 scholarship assistance awarded to them under this Section
3 within 10 years.

4 (m) Annually, at a time determined by the Commission in
5 consultation with the Foundation, the Foundation shall submit
6 a report to assist the Commission in monitoring the
7 Foundation's performance of grant activities. The report shall
8 describe the following:

9 (1) the Foundation's anticipated expenditures for the
10 next fiscal year;

11 (2) the number of qualified students receiving
12 scholarship assistance at each institution of higher
13 learning where a qualified student was enrolled under this
14 Section during the previous fiscal year;

15 (3) the total monetary value of scholarship funds paid
16 to each institution of higher learning at which a
17 qualified student was enrolled during the previous fiscal
18 year;

19 (4) the number of scholarship recipients who completed
20 a baccalaureate degree during the previous fiscal year;

21 (5) the number of scholarship recipients who fulfilled
22 their teaching obligation during the previous fiscal year;

23 (6) the number of scholarship recipients who failed to
24 fulfill their teaching obligation during the previous
25 fiscal year;

26 (7) the number of scholarship recipients granted an

1 extension described in subsection (k) of this Section
2 during the previous fiscal year;

3 (8) the number of scholarship recipients required to
4 repay scholarship assistance in accordance with subsection
5 (j) of this Section during the previous fiscal year;

6 (9) the number of scholarship recipients who
7 successfully repaid scholarship assistance in full during
8 the previous fiscal year;

9 (10) the number of scholarship recipients who
10 defaulted on their obligation to repay scholarship
11 assistance during the previous fiscal year;

12 (11) the amount of scholarship assistance subject to
13 collection in accordance with subsection (j) of this
14 Section at the end of the previous fiscal year;

15 (12) the amount of collected funds to be remitted to
16 the Comptroller in accordance with subsection (j) of this
17 Section at the end of the previous fiscal year; and

18 (13) other information that the Commission may
19 reasonably request.

20 (n) Nothing in this Section shall affect the rights of the
21 Commission to collect moneys owed to it by recipients of
22 scholarship assistance through the Illinois Future Teacher
23 Corps Program, repealed by Public Act 98-533.

24 (o) The Auditor General shall prepare an annual audit of
25 the operations and finances of the Golden Apple Scholars of
26 Illinois Program. This audit shall be provided to the

1 Governor, General Assembly, and the Commission.

2 (p) The suspension of grant making authority found in
3 Section 4.2 of the Illinois Grant Funds Recovery Act shall not
4 apply to grants made pursuant to this Section.

5 (Source: P.A. 102-1071, eff. 6-10-22; 102-1100, eff. 1-1-23;
6 103-154, eff. 6-30-23; 103-448, eff. 8-4-23; revised
7 10-16-24.)

8 (110 ILCS 947/65.125)

9 Sec. 65.125. Early Childhood Access Consortium for Equity
10 Scholarship Program.

11 (a) As used in this Section, "incumbent workforce" has the
12 meaning ascribed to that term in the Early Childhood Access
13 Consortium for Equity Act.

14 (b) Subject to appropriation, the Commission shall
15 implement and administer an early childhood educator
16 scholarship program, to be known as the Early Childhood Access
17 Consortium for Equity Scholarship Program. Under the Program,
18 the Commission shall annually award scholarships to early
19 childhood education students enrolled in institutions of
20 higher education participating in the Early Childhood Access
21 Consortium for Equity under the Early Childhood Access
22 Consortium for Equity Act with preference given to members of
23 the incumbent workforce.

24 (c) To ensure alignment with Consortium goals and changing
25 workforce needs, the Commission shall work in partnership with

1 the Board of Higher Education and the Illinois Community
2 College Board in program design, and the Board of Higher
3 Education and the Illinois Community College Board shall
4 solicit feedback from the Consortium advisory committee
5 established under Section 25 of the Early Childhood Access
6 Consortium for Equity Act.

7 (d) In awarding a scholarship under this Section, the
8 Commission may give preference to applicants who received a
9 scholarship under this Section during the prior academic year,
10 to applicants with financial need, or both.

11 (e) Prior to receiving scholarship assistance for any
12 academic year, each recipient of a scholarship awarded under
13 this Section shall be required by the Commission to sign an
14 agreement under which the recipient pledges to continue or
15 return to teaching or direct services in the early childhood
16 care and education field in this State after they complete
17 their program of study.

18 (f) The Commission may adopt any rules necessary to
19 implement and administer the Program.

20 (Source: P.A. 103-588, eff. 6-5-24.)

21 (110 ILCS 947/65.130)

22 Sec. 65.130 ~~65.125~~. Journalism Student Scholarship
23 Program.

24 (a) As used in this Section, "local news organization" has
25 the meaning given to that term in the Strengthening Community

1 Media Act.

2 (b) In order to encourage academically talented Illinois
3 students to pursue careers in journalism, especially in
4 underserved areas of the State, and to provide those students
5 with financial assistance to increase the likelihood that they
6 will complete their full academic commitment and elect to
7 remain in Illinois to pursue a career in journalism, subject
8 to appropriation, not sooner than the 2025-2026 academic year,
9 the Commission shall implement and administer the Journalism
10 Student Scholarship Program. The Commission shall annually
11 award scholarships to persons preparing to work in Illinois,
12 with preference given to those preparing to work in
13 underserved areas. These scholarships shall be awarded to
14 individuals who make application to the Commission and agree
15 to sign an agreement under which the recipient pledges that,
16 within the 2-year period following the termination of the
17 academic program for which the recipient was awarded a
18 scholarship, the recipient shall:

19 (1) begin working in journalism in this State for a
20 period of not less than 2 years;

21 (2) fulfill this obligation at local news
22 organization; and

23 (3) upon request of the Commission, provide the
24 Commission with evidence that the recipient is fulfilling
25 or has fulfilled the terms of the teaching agreement
26 provided for in this subsection.

1 (c) An eligible student is a student who meets the
2 following qualifications:

3 (1) is a resident of this State and a citizen or
4 eligible noncitizen of the United States;

5 (2) is a high school graduate or a person who has
6 received an Illinois high school diploma;

7 (3) is enrolled or accepted, on at least a half-time
8 basis, at an institution of higher learning; and

9 (4) is pursuing a postsecondary course of study
10 leading to a career in journalism or a similar field.

11 (d) Each scholarship shall be used by the recipient for
12 the payment of tuition and fees at an institution of higher
13 learning.

14 (e) The Commission shall administer the Program and shall
15 adopt all necessary and proper rules not inconsistent with
16 this Section for its effective implementation.

17 (Source: P.A. 103-1021, eff. 1-1-25; revised 12-3-24.)

18 Section 705. The Student Loan Servicing Rights Act is
19 amended by changing Section 5-70 as follows:

20 (110 ILCS 992/5-70)

21 Sec. 5-70. Cosigner release rights.

22 (a) A servicer may not impose any restriction that
23 permanently bars a borrower from qualifying for cosigner
24 release, including restricting the number of times a borrower

1 may apply for cosigner release.

2 (b) A servicer may not impose any negative consequences on
3 a borrower or cosigner during the 60 days following the
4 issuance of the notice required pursuant to subsection (c) of
5 Section 5-50 of this Act or until the servicer makes a final
6 determination about a borrower's cosigner release application,
7 whichever occurs later. As used in this subsection (b),
8 "negative consequences" includes the imposition of additional
9 eligibility criteria, negative credit reporting, lost
10 eligibility or cosigner release, late fees, interest
11 capitalization, or other financial injury.

12 (c) For any private education loan issued on or after
13 August 2, 2024 (the effective date of Public Act 103-748) ~~this~~
14 ~~amendatory Act of the 103rd General Assembly~~, a servicer may
15 not require proof of more than 12 consecutive, on-time
16 payments as part of the criteria for cosigner release. A
17 borrower who has paid the equivalent of 12 months of principal
18 and interest payments within any 12-month period is deemed to
19 have satisfied the consecutive, on-time payment requirement
20 even if the borrower has not made payments monthly during the
21 12-month period. If a borrower or cosigner requests a change
22 in terms that restarts the count of consecutive, on-time
23 payments required for cosigner release, the servicer shall
24 notify the borrower and cosigner in writing of the impact of
25 the change and provide the borrower and cosigner with the
26 right to withdraw or reverse the request to avoid the impact.

1 (d) A borrower may request an appeal of a servicer's
2 determination to deny a request for cosigner release, and the
3 servicer shall permit the borrower to submit additional
4 documentation evidencing the borrower's ability, willingness,
5 and stability to meet the payment obligations. The borrower
6 may request that another employee of the servicer review the
7 cosigner release determination.

8 (e) A servicer shall establish and maintain a
9 comprehensive record management system reasonably designed to
10 ensure the accuracy, integrity, and completeness of
11 information about cosigner release applications and to ensure
12 compliance with applicable State and federal laws. The system
13 must include the number of cosigner release ~~cosigner release~~
14 applications received, the approval and denial rate, and the
15 primary reasons for any denial.

16 (Source: P.A. 103-748, eff. 8-2-24; revised 10-21-24.)

17 Section 710. The Workforce Development through Charitable
18 Loan Repayment Act is amended by changing Section 10-1 as
19 follows:

20 (110 ILCS 998/10-1)

21 Sec. 10-1. Short title. This Article ~~Act~~ may be cited as
22 the Workforce Development through Charitable Loan Repayment
23 Act. References in this Article to "this Act" mean this
24 Article.

(Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

Section 715. The Illinois Educational Labor Relations Act is amended by changing Section 5 as follows:

(115 ILCS 5/5) (from Ch. 48, par. 1705)

Sec. 5. Illinois Educational Labor Relations Board.

(a) There is hereby created the Illinois Educational Labor Relations Board.

(a-5) Until July 1, 2003 or when all of the new members to be initially appointed under Public Act 93-509 ~~this amendatory Act of the 93rd General Assembly~~ have been appointed by the Governor, whichever occurs later, the Illinois Educational Labor Relations Board shall consist of 7 members, no more than 4 of whom may be of the same political party, who are residents of Illinois appointed by the Governor with the advice and consent of the Senate.

The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under Public Act 93-509 ~~this amendatory Act of the 93rd General Assembly~~ have been appointed by the Governor, whichever occurs later.

(b) Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor,

1 whichever occurs later, the Illinois Educational Labor
2 Relations Board shall consist of 5 members appointed by the
3 Governor with the advice and consent of the Senate. No more
4 than 3 members may be of the same political party.

5 The Governor shall appoint to the Board only persons who
6 are residents of Illinois and have had a minimum of 5 years of
7 experience directly related to labor and employment relations
8 in representing educational employers or educational employees
9 in collective bargaining matters. One appointed member shall
10 be designated at the time of his or her appointment to serve as
11 chairman.

12 Of the initial members appointed pursuant to Public Act
13 93-509 ~~this amendatory Act of the 93rd General Assembly,~~ 2
14 shall be designated at the time of appointment to serve a term
15 of 6 years, 2 shall be designated at the time of appointment to
16 serve a term of 4 years, and the other shall be designated at
17 the time of his or her appointment to serve a term of 4 years,
18 with each to serve until his or her successor is appointed and
19 qualified.

20 Each subsequent member shall be appointed in like manner
21 for a term of 6 years and until his or her successor is
22 appointed and qualified. Each member of the Board is eligible
23 for reappointment. Vacancies shall be filled in the same
24 manner as original appointments for the balance of the
25 unexpired term.

26 (c) The chairman shall be paid \$50,000 per year, or an

1 amount set by the Compensation Review Board, whichever is
2 greater. Other members of the Board shall each be paid \$45,000
3 per year, or an amount set by the Compensation Review Board,
4 whichever is greater. They shall be entitled to reimbursement
5 for necessary traveling and other official expenditures
6 necessitated by their official duties.

7 Each member shall devote his entire time to the duties of
8 the office, and shall hold no other office or position of
9 profit, nor engage in any other business, employment, or
10 vocation.

11 (d) Three members of the Board constitute a quorum and a
12 vacancy on the Board does not impair the right of the remaining
13 members to exercise all of the powers of the Board.

14 (e) Any member of the Board may be removed by the Governor,
15 upon notice, for neglect of duty or malfeasance in office, but
16 for no other cause.

17 (f) The Board may appoint or employ an executive director,
18 attorneys, hearing officers, and such other employees as it
19 deems necessary to perform its functions, except that the
20 Board shall employ a minimum of 8 attorneys and 5
21 investigators. The Board shall prescribe the duties and
22 qualifications of such persons appointed and, subject to the
23 annual appropriation, fix their compensation and provide for
24 reimbursement of actual and necessary expenses incurred in the
25 performance of their duties.

26 (g) The Board may promulgate rules and regulations which

1 allow parties in proceedings before the Board to be
2 represented by counsel or any other person knowledgeable in
3 the matters under consideration.

4 (h) To accomplish the objectives and to carry out the
5 duties prescribed by this Act, the Board may subpoena
6 witnesses, subpoena the production of books, papers, records,
7 and documents which may be needed as evidence on any matter
8 under inquiry and may administer oaths and affirmations.

9 In cases of neglect or refusal to obey a subpoena issued to
10 any person, the circuit court in the county in which the
11 investigation or the public hearing is taking place, upon
12 application by the Board, may issue an order requiring such
13 person to appear before the Board or any member or agent of the
14 Board to produce evidence or give testimony. A failure to obey
15 such order may be punished by the court as in civil contempt.

16 Any subpoena, notice of hearing, or other process or
17 notice of the Board issued under the provisions of this Act may
18 be served by one of the methods permitted in the Board's rules.

19 (i) The Board shall adopt, promulgate, amend, or rescind
20 rules and regulations in accordance with the Illinois
21 Administrative Procedure Act as it deems necessary and
22 feasible to carry out this Act.

23 (j) The Board at the end of every State fiscal year shall
24 make a report in writing to the Governor and the General
25 Assembly, stating in detail the work it has done to carry out
26 the policy of the Act in hearing and deciding cases and

1 otherwise. The Board's report shall include:

2 (1) the number of unfair labor practice charges filed
3 during the fiscal year;

4 (2) the number of unfair labor practice charges
5 resolved during the fiscal year;

6 (3) the total number of unfair labor charges pending
7 before the Board at the end of the fiscal year;

8 (4) the number of unfair labor charge cases at the end
9 of the fiscal year that have been pending before the Board
10 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
11 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
12 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
13 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
14 days, and over 701 days;

15 (5) the number of representation cases and unit
16 clarification cases filed during the fiscal year;

17 (6) the number of representation cases and unit
18 clarification cases resolved during the fiscal year;

19 (7) the total number of representation cases and unit
20 clarification cases pending before the Board at the end of
21 the fiscal year;

22 (8) the number of representation cases and unit
23 clarification cases at the end of the fiscal year that
24 have been pending before the Board between 1 and 120 days,
25 121 and 180 days, and over 180 days; and

26 (9) the Board's progress in meeting the timeliness

1 goals established pursuant to the criteria in Section 15
2 of this Act; the report shall include, but is not limited
3 to:

4 (A) the average number of days taken to complete
5 investigations and issue complaints, dismissals, or
6 deferrals;

7 (B) the average number of days taken for the Board
8 to issue decisions on appeals of dismissals or
9 deferrals;

10 (C) the average number of days taken to schedule a
11 hearing on complaints once issued;

12 (D) the average number of days taken to issue a
13 recommended decision and order once the record is
14 closed;

15 (E) the average number of days taken for the Board
16 to issue final decisions on recommended decisions when
17 ~~where~~ exceptions have been filed;

18 (F) the average number of days taken for the Board
19 to issue final decisions ~~decision~~ on recommended
20 decisions when no exceptions have been filed; and

21 (G) in cases where the Board was unable to meet the
22 timeliness goals established in Section 15, an
23 explanation as to why the goal was not met.

24 (Source: P.A. 102-797, eff. 1-1-23; 103-856, eff. 1-1-25;
25 revised 11-22-24.)

1 Section 720. The Illinois Banking Act is amended by
2 changing Section 2 as follows:

3 (205 ILCS 5/2) (from Ch. 17, par. 302)

4 Sec. 2. General definitions. In this Act, unless the
5 context otherwise requires, the following words and phrases
6 shall have the following meanings:

7 "Accommodation party" shall have the meaning ascribed to
8 that term in Section 3-419 of the Uniform Commercial Code.

9 "Action" in the sense of a judicial proceeding includes
10 recoupments, counterclaims, set-off, and any other proceeding
11 in which rights are determined.

12 "Affiliate facility" of a bank means a main banking
13 premises or branch of another commonly owned bank. The main
14 banking premises or any branch of a bank may be an "affiliate
15 facility" with respect to one or more other commonly owned
16 banks.

17 "Appropriate federal banking agency" means the Federal
18 Deposit Insurance Corporation, the Federal Reserve Bank of
19 Chicago, or the Federal Reserve Bank of St. Louis, as
20 determined by federal law.

21 "Bank" means any person doing a banking business whether
22 subject to the laws of this or any other jurisdiction.

23 A "banking house", "branch", "branch bank", or "branch
24 office" shall mean any place of business of a bank at which
25 deposits are received, checks paid, or loans made, but shall

1 not include any place at which only records thereof are made,
2 posted, or kept. A place of business at which deposits are
3 received, checks paid, or loans made shall not be deemed to be
4 a branch, branch bank, or branch office if the place of
5 business is adjacent to and connected with the main banking
6 premises, or if it is separated from the main banking premises
7 by not more than an alley; provided always that (i) if the
8 place of business is separated by an alley from the main
9 banking premises there is a connection between the two by
10 public or private way or by subterranean or overhead passage,
11 and (ii) if the place of business is in a building not wholly
12 occupied by the bank, the place of business shall not be within
13 any office or room in which any other business or service of
14 any kind or nature other than the business of the bank is
15 conducted or carried on. A place of business at which deposits
16 are received, checks paid, or loans made shall not be deemed to
17 be a branch, branch bank, or branch office (i) of any bank if
18 the place is a terminal established and maintained in
19 accordance with paragraph (17) of Section 5 of this Act, or
20 (ii) of a commonly owned bank by virtue of transactions
21 conducted at that place on behalf of the other commonly owned
22 bank under paragraph (23) of Section 5 of this Act if the place
23 is an affiliate facility with respect to the other bank.

24 "Branch of an out-of-state bank" means a branch
25 established or maintained in Illinois by an out-of-state bank
26 as a result of a merger between an Illinois bank and the

1 out-of-state bank that occurs on or after May 31, 1997, or any
2 branch established by the out-of-state bank following the
3 merger.

4 "Bylaws" means the bylaws of a bank that are adopted by the
5 bank's board of directors or shareholders for the regulation
6 and management of the bank's affairs. If the bank operates as a
7 limited liability company, however, "bylaws" means the
8 operating agreement of the bank.

9 "Call report fee" means the fee to be paid to the
10 Commissioner by each State bank pursuant to paragraph (a) of
11 subsection (3) of Section 48 of this Act.

12 "Capital" includes the aggregate of outstanding capital
13 stock and preferred stock.

14 "Cash flow reserve account" means the account within the
15 books and records of the Commissioner of Banks and Real Estate
16 used to record funds designated to maintain a reasonable Bank
17 and Trust Company Fund operating balance to meet agency
18 obligations on a timely basis.

19 "Charter" includes the original charter and all amendments
20 thereto and articles of merger or consolidation.

21 "Commissioner" means the Commissioner of Banks and Real
22 Estate, except that beginning on April 6, 2009 (the effective
23 date of Public Act 95-1047), all references in this Act to the
24 Commissioner of Banks and Real Estate are deemed, in
25 appropriate contexts, to be references to the Secretary of
26 Financial and Professional Regulation.

1 "Commonly owned banks" means 2 or more banks that each
2 qualify as a bank subsidiary of the same bank holding company
3 pursuant to Section 18 of the Federal Deposit Insurance Act;
4 "commonly owned bank" refers to one of a group of commonly
5 owned banks but only with respect to one or more of the other
6 banks in the same group.

7 "Community" means a city, village, or incorporated town
8 and also includes the area served by the banking offices of a
9 bank, but need not be limited or expanded to conform to the
10 geographic boundaries of units of local government.

11 "Company" means a corporation, limited liability company,
12 partnership, business trust, association, or similar
13 organization and, unless specifically excluded, includes a
14 "State bank" and a "bank".

15 "Consolidating bank" means a party to a consolidation.

16 "Consolidation" takes place when 2 or more banks, or a
17 trust company and a bank, are extinguished and by the same
18 process a new bank is created, taking over the assets and
19 assuming the liabilities of the banks or trust company passing
20 out of existence.

21 "Continuing bank" means a merging bank, the charter of
22 which becomes the charter of the resulting bank.

23 "Converting bank" means a State bank converting to become
24 a national bank, or a national bank converting to become a
25 State bank.

26 "Converting trust company" means a trust company

1 converting to become a State bank.

2 "Court" means a court of competent jurisdiction.

3 "Director" means a member of the board of directors of a
4 bank. In the case of a manager-managed limited liability
5 company, however, "director" means a manager of the bank and,
6 in the case of a member-managed limited liability company,
7 "director" means a member of the bank. The term "director"
8 does not include an advisory director, honorary director,
9 director emeritus, or similar person, unless the person is
10 otherwise performing functions similar to those of a member of
11 the board of directors.

12 "Director of Banking" means the Director of the Division
13 of Banking of the Department of Financial and Professional
14 Regulation.

15 "Eligible depository institution" means an insured savings
16 association that is in default, an insured savings association
17 that is in danger of default, a State or national bank that is
18 in default or a State or national bank that is in danger of
19 default, as those terms are defined in this Section, or a new
20 bank as that term is defined in Section 11(m) of the Federal
21 Deposit Insurance Act or a bridge bank as that term is defined
22 in Section 11(n) of the Federal Deposit Insurance Act or a new
23 federal savings association authorized under Section
24 11(d) (2) (f) of the Federal Deposit Insurance Act.

25 "Fiduciary" means trustee, agent, executor, administrator,
26 committee, guardian for a minor or for a person under legal

1 disability, receiver, trustee in bankruptcy, assignee for
2 creditors, or any holder of similar position of trust.

3 "Financial institution" means a bank, savings bank,
4 savings and loan association, credit union, or any licensee
5 under the Consumer Installment Loan Act or the Sales Finance
6 Agency Act and, for purposes of Section 48.3, any proprietary
7 network, funds transfer corporation, or other entity providing
8 electronic funds transfer services, or any corporate
9 fiduciary, its subsidiaries, affiliates, parent company, or
10 contractual service provider that is examined by the
11 Commissioner. For purposes of Section 5c and subsection (b) of
12 Section 13 of this Act, "financial institution" includes any
13 proprietary network, funds transfer corporation, or other
14 entity providing electronic funds transfer services, and any
15 corporate fiduciary.

16 "Foundation" means the Illinois Bank Examiners' Education
17 Foundation.

18 "General obligation" means a bond, note, debenture,
19 security, or other instrument evidencing an obligation of the
20 government entity that is the issuer that is supported by the
21 full available resources of the issuer, the principal and
22 interest of which is payable in whole or in part by taxation.

23 "Guarantee" means an undertaking or promise to answer for
24 payment of another's debt or performance of another's duty,
25 liability, or obligation whether "payment guaranteed" or
26 "collection guaranteed".

1 "In danger of default" means a State or national bank, a
2 federally chartered insured savings association, or an
3 Illinois state chartered insured savings association with
4 respect to which the Commissioner or the appropriate federal
5 banking agency has advised the Federal Deposit Insurance
6 Corporation that:

7 (1) in the opinion of the Commissioner or the
8 appropriate federal banking agency,

9 (A) the State or national bank or insured savings
10 association is not likely to be able to meet the
11 demands of the State or national bank's or savings
12 association's obligations in the normal course of
13 business; and

14 (B) there is no reasonable prospect that the State
15 or national bank or insured savings association will
16 be able to meet those demands or pay those obligations
17 without federal assistance; or

18 (2) in the opinion of the Commissioner or the
19 appropriate federal banking agency,

20 (A) the State or national bank or insured savings
21 association has incurred or is likely to incur losses
22 that will deplete all or substantially all of its
23 capital; and

24 (B) there is no reasonable prospect that the
25 capital of the State or national bank or insured
26 savings association will be replenished without

1 federal assistance.

2 "In default" means, with respect to a State or national
3 bank or an insured savings association, any adjudication or
4 other official determination by any court of competent
5 jurisdiction, the Commissioner, the appropriate federal
6 banking agency, or other public authority pursuant to which a
7 conservator, receiver, or other legal custodian is appointed
8 for a State or national bank or an insured savings
9 association.

10 "Insured savings association" means any federal savings
11 association chartered under Section 5 of the federal Home
12 Owners' Loan Act and any State savings association chartered
13 under the Illinois Savings and Loan Act of 1985 or a
14 predecessor Illinois statute, the deposits of which are
15 insured by the Federal Deposit Insurance Corporation. The term
16 also includes a savings bank organized or operating under the
17 Savings Bank Act.

18 "Insured savings association in recovery" means an insured
19 savings association that is not an eligible depository
20 institution and that does not meet the minimum capital
21 requirements applicable with respect to the insured savings
22 association.

23 "Issuer" means for purposes of Section 33 every person who
24 shall have issued or proposed to issue any security; except
25 that (1) with respect to certificates of deposit, voting trust
26 certificates, collateral-trust certificates, and certificates

1 of interest or shares in an unincorporated investment trust
2 not having a board of directors (or persons performing similar
3 functions), "issuer" means the person or persons performing
4 the acts and assuming the duties of depositor or manager
5 pursuant to the provisions of the trust, agreement, or
6 instrument under which the securities are issued; (2) with
7 respect to trusts other than those specified in clause (1)
8 above, where the trustee is a corporation authorized to accept
9 and execute trusts, "issuer" means the entrusters, depositors,
10 or creators of the trust and any manager or committee charged
11 with the general direction of the affairs of the trust
12 pursuant to the provisions of the agreement or instrument
13 creating the trust; and (3) with respect to equipment trust
14 certificates or like securities, "issuer" means the person to
15 whom the equipment or property is or is to be leased or
16 conditionally sold.

17 "Letter of credit" and "customer" shall have the meanings
18 ascribed to those terms in Section 5-102 of the Uniform
19 Commercial Code.

20 "Main banking premises" means the location that is
21 designated in a bank's charter as its main office.

22 "Maker or obligor" means for purposes of Section 33 the
23 issuer of a security, the promisor in a debenture or other debt
24 security, or the mortgagor or grantor of a trust deed or
25 similar conveyance of a security interest in real or personal
26 property.

1 "Merged bank" means a merging bank that is not the
2 continuing, resulting, or surviving bank in a consolidation or
3 merger.

4 "Merger" includes consolidation.

5 "Merging bank" means a party to a bank merger.

6 "Merging trust company" means a trust company party to a
7 merger with a State bank.

8 "Mid-tier bank holding company" means a corporation that
9 (a) owns 100% of the issued and outstanding shares of each
10 class of stock of a State bank, (b) has no other subsidiaries,
11 and (c) 100% of the issued and outstanding shares of the
12 corporation are owned by a parent bank holding company.

13 "Municipality" means any municipality, political
14 subdivision, school district, taxing district, or agency.

15 "National bank" means a national banking association
16 located in this State and after May 31, 1997, means a national
17 banking association without regard to its location.

18 "Out-of-state bank" means a bank chartered under the laws
19 of a state other than Illinois, a territory of the United
20 States, or the District of Columbia.

21 "Parent bank holding company" means a corporation that is
22 a bank holding company as that term is defined in the Illinois
23 Bank Holding Company Act of 1957 and owns 100% of the issued
24 and outstanding shares of a mid-tier bank holding company.

25 "Person" means an individual, corporation, limited
26 liability company, partnership, joint venture, trust, estate,

1 or unincorporated association.

2 "Public agency" means the State of Illinois, the various
3 counties, townships, cities, towns, villages, school
4 districts, educational service regions, special road
5 districts, public water supply districts, fire protection
6 districts, drainage districts, levee districts, sewer
7 districts, housing authorities, the Illinois Bank Examiners'
8 Education Foundation, the Chicago Park District, and all other
9 political corporations or subdivisions of the State of
10 Illinois, whether now or hereafter created, whether herein
11 specifically mentioned or not, and shall also include any
12 other state or any political corporation or subdivision of
13 another state.

14 "Public funds" or "public money" means current operating
15 funds, special funds, interest and sinking funds, and funds of
16 any kind or character belonging to, in the custody of, or
17 subject to the control or regulation of the United States or a
18 public agency. "Public funds" or "public money" shall include
19 funds held by any of the officers, agents, or employees of the
20 United States or of a public agency in the course of their
21 official duties and, with respect to public money of the
22 United States, shall include Postal Savings funds.

23 "Published" means, unless the context requires otherwise,
24 the publishing of the notice or instrument referred to in some
25 newspaper of general circulation in the community in which the
26 bank is located at least once each week for 3 successive weeks.

1 Publishing shall be accomplished by, and at the expense of,
2 the bank required to publish. Where publishing is required,
3 the bank shall submit to the Commissioner that evidence of the
4 publication as the Commissioner shall deem appropriate.

5 "Qualified financial contract" means any security
6 contract, commodity contract, forward contract, including spot
7 and forward foreign exchange contracts, repurchase agreement,
8 swap agreement, and any similar agreement, any option to enter
9 into any such agreement, including any combination of the
10 foregoing, and any master agreement for such agreements. A
11 master agreement, together with all supplements thereto, shall
12 be treated as one qualified financial contract. The contract,
13 option, agreement, or combination of contracts, options, or
14 agreements shall be reflected upon the books, accounts, or
15 records of the bank, or a party to the contract shall provide
16 documentary evidence of such agreement.

17 "Recorded" means the filing or recording of the notice or
18 instrument referred to in the office of the Recorder of the
19 county wherein the bank is located.

20 "Resulting bank" means the bank resulting from a merger or
21 conversion.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation, or a person authorized by the
24 Secretary or by this Act to act in the Secretary's stead.

25 "Securities" means stocks, bonds, debentures, notes, or
26 other similar obligations.

1 "Stand-by letter of credit" means a letter of credit under
2 which drafts are payable upon the condition the customer has
3 defaulted in performance of a duty, liability, or obligation.

4 "State bank" means any banking corporation that has a
5 banking charter issued by the Commissioner under this Act.

6 "State Banking Board" means the State Banking Board of
7 Illinois.

8 "Subsidiary" with respect to a specified company means a
9 company that is controlled by the specified company. For
10 purposes of paragraphs (8) and (12) of Section 5 of this Act,
11 "control" means the exercise of operational or managerial
12 control of a corporation by the bank, either alone or together
13 with other affiliates of the bank.

14 "Surplus" means the aggregate of (i) amounts paid in
15 excess of the par value of capital stock and preferred stock;
16 (ii) amounts contributed other than for capital stock and
17 preferred stock and allocated to the surplus account; and
18 (iii) amounts transferred from undivided profits.

19 "Tier 1 Capital" and "Tier 2 Capital" have the meanings
20 assigned to those terms in regulations promulgated for the
21 appropriate federal banking agency of a state bank, as those
22 regulations are now or hereafter amended.

23 "Trust company" means a limited liability company or
24 corporation incorporated in this State for the purpose of
25 accepting and executing trusts.

26 "Undivided profits" means undistributed earnings less

1 discretionary transfers to surplus.

2 "Unimpaired capital and unimpaired surplus", for the
3 purposes of paragraph (21) of Section 5 and Sections 32, 33,
4 34, 35.1, 35.2, and 47 of this Act means the sum of the state
5 bank's Tier 1 Capital and Tier 2 Capital plus such other
6 shareholder equity as may be included by regulation of the
7 Commissioner. Unimpaired capital and unimpaired surplus shall
8 be calculated on the basis of the date of the last quarterly
9 call report filed with the Commissioner preceding the date of
10 the transaction for which the calculation is made, provided
11 that: (i) when a material event occurs after the date of the
12 last quarterly call report filed with the Commissioner that
13 reduces or increases the bank's unimpaired capital and
14 unimpaired surplus by 10% or more, then the unimpaired capital
15 and unimpaired surplus shall be calculated from the date of
16 the material event for a transaction conducted after the date
17 of the material event; and (ii) if the Commissioner determines
18 for safety and soundness reasons that a state bank should
19 calculate unimpaired capital and unimpaired surplus more
20 frequently than provided by this paragraph, the Commissioner
21 may by written notice direct the bank to calculate unimpaired
22 capital and unimpaired surplus at a more frequent interval. In
23 the case of a state bank newly chartered under Section 13 or a
24 state bank resulting from a merger, consolidation, or
25 conversion under Sections 21 through 26 for which no preceding
26 quarterly call report has been filed with the Commissioner,

1 unimpaired capital and unimpaired surplus shall be calculated
2 for the first calendar quarter on the basis of the effective
3 date of the charter, merger, consolidation, or conversion.

4 (Source: P.A. 95-924, eff. 8-26-08; 95-1047, eff. 4-6-09;
5 96-1000, eff. 7-2-10; 96-1163, eff. 1-1-11; revised 8-6-24.)

6 Section 725. The Assisted Living and Shared Housing Act is
7 amended by changing Section 10 as follows:

8 (210 ILCS 9/10)

9 (Text of Section before amendment by P.A. 103-844)

10 Sec. 10. Definitions. For purposes of this Act:

11 "Activities of daily living" means eating, dressing,
12 bathing, toileting, transferring, or personal hygiene.

13 "Assisted living establishment" or "establishment" means a
14 home, building, residence, or any other place where sleeping
15 accommodations are provided for at least 3 unrelated adults,
16 at least 80% of whom are 55 years of age or older and where the
17 following are provided consistent with the purposes of this
18 Act:

19 (1) services consistent with a social model that is
20 based on the premise that the resident's unit in assisted
21 living and shared housing is his or her own home;

22 (2) community-based residential care for persons who
23 need assistance with activities of daily living, including
24 personal, supportive, and intermittent health-related

1 services available 24 hours per day, if needed, to meet
2 the scheduled and unscheduled needs of a resident;

3 (3) mandatory services, whether provided directly by
4 the establishment or by another entity arranged for by the
5 establishment, with the consent of the resident or
6 resident's representative; and

7 (4) a physical environment that is a homelike setting
8 that includes the following and such other elements as
9 established by the Department: individual living units
10 each of which shall accommodate small kitchen appliances
11 and contain private bathing, washing, and toilet
12 facilities, or private washing and toilet facilities with
13 a common bathing room readily accessible to each resident.
14 Units shall be maintained for single occupancy except in
15 cases in which 2 residents choose to share a unit.
16 Sufficient common space shall exist to permit individual
17 and group activities.

18 "Assisted living establishment" or "establishment" does
19 not mean any of the following:

20 (1) A home, institution, or similar place operated by
21 the federal government or the State of Illinois.

22 (2) A long term care facility licensed under the
23 Nursing Home Care Act, a facility licensed under the
24 Specialized Mental Health Rehabilitation Act of 2013, a
25 facility licensed under the ID/DD Community Care Act, or a
26 facility licensed under the MC/DD Act. However, a facility

1 licensed under any of those Acts may convert distinct
2 parts of the facility to assisted living. If the facility
3 elects to do so, the facility shall retain the Certificate
4 of Need for its nursing and sheltered care beds that were
5 converted.

6 (3) A hospital, sanitarium, or other institution, the
7 principal activity or business of which is the diagnosis,
8 care, and treatment of human illness and that is required
9 to be licensed under the Hospital Licensing Act.

10 (4) A facility for child care as defined in the Child
11 Care Act of 1969.

12 (5) A community living facility as defined in the
13 Community Living Facilities Licensing Act.

14 (6) A nursing home or sanitarium operated solely by
15 and for persons who rely exclusively upon treatment by
16 spiritual means through prayer in accordance with the
17 creed or tenants of a well-recognized church or religious
18 denomination.

19 (7) A facility licensed by the Department of Human
20 Services as a community-integrated living arrangement as
21 defined in the Community-Integrated Living Arrangements
22 Licensure and Certification Act.

23 (8) A supportive residence licensed under the
24 Supportive Residences Licensing Act.

25 (9) The portion of a life care facility as defined in
26 the Life Care Facilities Act not licensed as an assisted

1 living establishment under this Act; a life care facility
2 may apply under this Act to convert sections of the
3 community to assisted living.

4 (10) A free-standing hospice facility licensed under
5 the Hospice Program Licensing Act.

6 (11) A shared housing establishment.

7 (12) A supportive living facility as described in
8 Section 5-5.01a of the Illinois Public Aid Code.

9 "Certified medication aide" means a person who has met the
10 qualifications for certification under Section 79 and assists
11 with medication administration while under the supervision of
12 a registered professional nurse as authorized by Section 50-75
13 of the Nurse Practice Act in an assisted living establishment.

14 "Department" means the Department of Public Health.

15 "Director" means the Director of Public Health.

16 "Emergency situation" means imminent danger of death or
17 serious physical harm to a resident of an establishment.

18 "License" means any of the following types of licenses
19 issued to an applicant or licensee by the Department:

20 (1) "Probationary license" means a license issued to
21 an applicant or licensee that has not held a license under
22 this Act prior to its application or pursuant to a license
23 transfer in accordance with Section 50 of this Act.

24 (2) "Regular license" means a license issued by the
25 Department to an applicant or licensee that is in
26 substantial compliance with this Act and any rules

1 promulgated under this Act.

2 "Licensee" means a person, agency, association,
3 corporation, partnership, or organization that has been issued
4 a license to operate an assisted living or shared housing
5 establishment.

6 "Licensed health care professional" means a registered
7 professional nurse, an advanced practice registered nurse, a
8 physician assistant, and a licensed practical nurse.

9 "Mandatory services" include the following:

10 (1) 3 meals per day available to the residents
11 prepared by the establishment or an outside contractor;

12 (2) housekeeping services including, but not limited
13 to, vacuuming, dusting, and cleaning the resident's unit;

14 (3) personal laundry and linen services available to
15 the residents provided or arranged for by the
16 establishment;

17 (4) security provided 24 hours each day including, but
18 not limited to, locked entrances or building or contract
19 security personnel;

20 (5) an emergency communication response system, which
21 is a procedure in place 24 hours each day by which a
22 resident can notify building management, an emergency
23 response vendor, or others able to respond to his or her
24 need for assistance; and

25 (6) assistance with activities of daily living as
26 required by each resident.

1 "Negotiated risk" is the process by which a resident, or
2 his or her representative, may formally negotiate with
3 providers what risks each are willing and unwilling to assume
4 in service provision and the resident's living environment.
5 The provider assures that the resident and the resident's
6 representative, if any, are informed of the risks of these
7 decisions and of the potential consequences of assuming these
8 risks.

9 "Owner" means the individual, partnership, corporation,
10 association, or other person who owns an assisted living or
11 shared housing establishment. In the event an assisted living
12 or shared housing establishment is operated by a person who
13 leases or manages the physical plant, which is owned by
14 another person, "owner" means the person who operates the
15 assisted living or shared housing establishment, except that
16 if the person who owns the physical plant is an affiliate of
17 the person who operates the assisted living or shared housing
18 establishment and has significant control over the day to day
19 operations of the assisted living or shared housing
20 establishment, the person who owns the physical plant shall
21 incur jointly and severally with the owner all liabilities
22 imposed on an owner under this Act.

23 "Physician" means a person licensed under the Medical
24 Practice Act of 1987 to practice medicine in all of its
25 branches.

26 "Program" means the Certified Medication Aide Program.

1 "Qualified establishment" means an assisted living and
2 shared housing establishment licensed by the Department of
3 Public Health.

4 "Resident" means a person residing in an assisted living
5 or shared housing establishment.

6 "Resident's representative" means a person, other than the
7 owner, agent, or employee of an establishment or of the health
8 care provider unless related to the resident, designated in
9 writing by a resident to be his or her representative. This
10 designation may be accomplished through the Illinois Power of
11 Attorney Act, pursuant to the guardianship process under the
12 Probate Act of 1975, or pursuant to an executed designation of
13 representative form specified by the Department.

14 "Self" means the individual or the individual's designated
15 representative.

16 "Shared housing establishment" or "establishment" means a
17 publicly or privately operated free-standing residence for 16
18 or fewer persons, at least 80% of whom are 55 years of age or
19 older and who are unrelated to the owners and one manager of
20 the residence, where the following are provided:

21 (1) services consistent with a social model that is
22 based on the premise that the resident's unit is his or her
23 own home;

24 (2) community-based residential care for persons who
25 need assistance with activities of daily living, including
26 housing and personal, supportive, and intermittent

1 health-related services available 24 hours per day, if
2 needed, to meet the scheduled and unscheduled needs of a
3 resident; and

4 (3) mandatory services, whether provided directly by
5 the establishment or by another entity arranged for by the
6 establishment, with the consent of the resident or the
7 resident's representative.

8 "Shared housing establishment" or "establishment" does not
9 mean any of the following:

10 (1) A home, institution, or similar place operated by
11 the federal government or the State of Illinois.

12 (2) A long term care facility licensed under the
13 Nursing Home Care Act, a facility licensed under the
14 Specialized Mental Health Rehabilitation Act of 2013, a
15 facility licensed under the ID/DD Community Care Act, or a
16 facility licensed under the MC/DD Act. A facility licensed
17 under any of those Acts may, however, convert sections of
18 the facility to assisted living. If the facility elects to
19 do so, the facility shall retain the Certificate of Need
20 for its nursing beds that were converted.

21 (3) A hospital, sanitarium, or other institution, the
22 principal activity or business of which is the diagnosis,
23 care, and treatment of human illness and that is required
24 to be licensed under the Hospital Licensing Act.

25 (4) A facility for child care as defined in the Child
26 Care Act of 1969.

1 (5) A community living facility as defined in the
2 Community Living Facilities Licensing Act.

3 (6) A nursing home or sanitarium operated solely by
4 and for persons who rely exclusively upon treatment by
5 spiritual means through prayer in accordance with the
6 creed or tenants of a well-recognized church or religious
7 denomination.

8 (7) A facility licensed by the Department of Human
9 Services as a community-integrated living arrangement as
10 defined in the Community-Integrated Living Arrangements
11 Licensure and Certification Act.

12 (8) A supportive residence licensed under the
13 Supportive Residences Licensing Act.

14 (9) A life care facility as defined in the Life Care
15 Facilities Act; a life care facility may apply under this
16 Act to convert sections of the community to assisted
17 living.

18 (10) A free-standing hospice facility licensed under
19 the Hospice Program Licensing Act.

20 (11) An assisted living establishment.

21 (12) A supportive living facility as described in
22 Section 5-5.01a of the Illinois Public Aid Code.

23 "Total assistance" means that staff or another individual
24 performs the entire activity of daily living without
25 participation by the resident.

26 (Source: P.A. 103-886, eff. 8-9-24.)

1 (Text of Section after amendment by P.A. 103-844)

2 Sec. 10. Definitions. For purposes of this Act:

3 "Activities of daily living" means eating, dressing,
4 bathing, toileting, transferring, or personal hygiene.

5 "Assisted living establishment" or "establishment" means a
6 home, building, residence, or any other place where sleeping
7 accommodations are provided for at least 3 unrelated adults,
8 at least 80% of whom are 55 years of age or older and where the
9 following are provided consistent with the purposes of this
10 Act:

11 (1) services consistent with a social model that is
12 based on the premise that the resident's unit in assisted
13 living and shared housing is his or her own home;

14 (2) community-based residential care for persons who
15 need assistance with activities of daily living, including
16 personal, supportive, and intermittent health-related
17 services available 24 hours per day, if needed, to meet
18 the scheduled and unscheduled needs of a resident;

19 (3) mandatory services, whether provided directly by
20 the establishment or by another entity arranged for by the
21 establishment, with the consent of the resident or
22 resident's representative; and

23 (4) a physical environment that is a homelike setting
24 that includes the following and such other elements as
25 established by the Department: individual living units

1 each of which shall accommodate small kitchen appliances
2 and contain private bathing, washing, and toilet
3 facilities, or private washing and toilet facilities with
4 a common bathing room readily accessible to each resident.
5 Units shall be maintained for single occupancy except in
6 cases in which 2 residents choose to share a unit.
7 Sufficient common space shall exist to permit individual
8 and group activities.

9 "Assisted living establishment" or "establishment" does
10 not mean any of the following:

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12 the federal government or the State of Illinois.

13 (2) A long term care facility licensed under the
14 Nursing Home Care Act, a facility licensed under the
15 Specialized Mental Health Rehabilitation Act of 2013, a
16 facility licensed under the ID/DD Community Care Act, or a
17 facility licensed under the MC/DD Act. However, a facility
18 licensed under any of those Acts may convert distinct
19 parts of the facility to assisted living. If the facility
20 elects to do so, the facility shall retain the Certificate
21 of Need for its nursing and sheltered care beds that were
22 converted.

23 (3) A hospital, sanitarium, or other institution, the
24 principal activity or business of which is the diagnosis,
25 care, and treatment of human illness and that is required
26 to be licensed under the Hospital Licensing Act.

1 (4) A facility for child care as defined in the Child
2 Care Act of 1969.

3 (5) A community living facility as defined in the
4 Community Living Facilities Licensing Act.

5 (6) A nursing home or sanitarium operated solely by
6 and for persons who rely exclusively upon treatment by
7 spiritual means through prayer in accordance with the
8 creed or tenants of a well-recognized church or religious
9 denomination.

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11 Services as a community-integrated living arrangement as
12 defined in the Community-Integrated Living Arrangements
13 Licensure and Certification Act.

14 (8) A supportive residence licensed under the
15 Supportive Residences Licensing Act.

16 (9) The portion of a life care facility as defined in
17 the Life Care Facilities Act not licensed as an assisted
18 living establishment under this Act; a life care facility
19 may apply under this Act to convert sections of the
20 community to assisted living.

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22 the Hospice Program Licensing Act.

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25 Section 5-5.01a of the Illinois Public Aid Code.

26 "Certified medication aide" means a person who has met the

1 qualifications for certification under Section 79 and assists
2 with medication administration while under the supervision of
3 a registered professional nurse as authorized by Section 50-75
4 of the Nurse Practice Act in an assisted living establishment.

5 "Department" means the Department of Public Health.

6 "Director" means the Director of Public Health.

7 "Emergency situation" means imminent danger of death or
8 serious physical harm to a resident of an establishment.

9 "Infection control committee" means persons, including an
10 infection preventionist, who develop and implement policies
11 governing control of infections and communicable diseases and
12 are qualified through education, training, experience, or
13 certification or a combination of such qualifications.

14 "Infection preventionist" means a registered nurse who
15 develops and implements policies governing control of
16 infections and communicable diseases and is qualified through
17 education, training, experience, or certification or a
18 combination of such qualifications.

19 "License" means any of the following types of licenses
20 issued to an applicant or licensee by the Department:

21 (1) "Probationary license" means a license issued to
22 an applicant or licensee that has not held a license under
23 this Act prior to its application or pursuant to a license
24 transfer in accordance with Section 50 of this Act.

25 (2) "Regular license" means a license issued by the
26 Department to an applicant or licensee that is in

1 substantial compliance with this Act and any rules
2 promulgated under this Act.

3 "Licensee" means a person, agency, association,
4 corporation, partnership, or organization that has been issued
5 a license to operate an assisted living or shared housing
6 establishment.

7 "Licensed health care professional" means a registered
8 professional nurse, an advanced practice registered nurse, a
9 physician assistant, and a licensed practical nurse.

10 "Mandatory services" include the following:

11 (1) 3 meals per day available to the residents
12 prepared by the establishment or an outside contractor;

13 (2) housekeeping services including, but not limited
14 to, vacuuming, dusting, and cleaning the resident's unit;

15 (3) personal laundry and linen services available to
16 the residents provided or arranged for by the
17 establishment;

18 (4) security provided 24 hours each day including, but
19 not limited to, locked entrances or building or contract
20 security personnel;

21 (5) an emergency communication response system, which
22 is a procedure in place 24 hours each day by which a
23 resident can notify building management, an emergency
24 response vendor, or others able to respond to his or her
25 need for assistance; and

26 (6) assistance with activities of daily living as

1 required by each resident.

2 "Negotiated risk" is the process by which a resident, or
3 his or her representative, may formally negotiate with
4 providers what risks each are willing and unwilling to assume
5 in service provision and the resident's living environment.
6 The provider assures that the resident and the resident's
7 representative, if any, are informed of the risks of these
8 decisions and of the potential consequences of assuming these
9 risks.

10 "Owner" means the individual, partnership, corporation,
11 association, or other person who owns an assisted living or
12 shared housing establishment. In the event an assisted living
13 or shared housing establishment is operated by a person who
14 leases or manages the physical plant, which is owned by
15 another person, "owner" means the person who operates the
16 assisted living or shared housing establishment, except that
17 if the person who owns the physical plant is an affiliate of
18 the person who operates the assisted living or shared housing
19 establishment and has significant control over the day to day
20 operations of the assisted living or shared housing
21 establishment, the person who owns the physical plant shall
22 incur jointly and severally with the owner all liabilities
23 imposed on an owner under this Act.

24 "Physician" means a person licensed under the Medical
25 Practice Act of 1987 to practice medicine in all of its
26 branches.

1 "Program" means the Certified Medication Aide Program.

2 "Qualified establishment" means an assisted living and
3 shared housing establishment licensed by the Department of
4 Public Health.

5 "Resident" means a person residing in an assisted living
6 or shared housing establishment.

7 "Resident's representative" means a person, other than the
8 owner, agent, or employee of an establishment or of the health
9 care provider unless related to the resident, designated in
10 writing by a resident to be his or her representative. This
11 designation may be accomplished through the Illinois Power of
12 Attorney Act, pursuant to the guardianship process under the
13 Probate Act of 1975, or pursuant to an executed designation of
14 representative form specified by the Department.

15 "Self" means the individual or the individual's designated
16 representative.

17 "Shared housing establishment" or "establishment" means a
18 publicly or privately operated free-standing residence for 16
19 or fewer persons, at least 80% of whom are 55 years of age or
20 older and who are unrelated to the owners and one manager of
21 the residence, where the following are provided:

22 (1) services consistent with a social model that is
23 based on the premise that the resident's unit is his or her
24 own home;

25 (2) community-based residential care for persons who
26 need assistance with activities of daily living, including

1 housing and personal, supportive, and intermittent
2 health-related services available 24 hours per day, if
3 needed, to meet the scheduled and unscheduled needs of a
4 resident; and

5 (3) mandatory services, whether provided directly by
6 the establishment or by another entity arranged for by the
7 establishment, with the consent of the resident or the
8 resident's representative.

9 "Shared housing establishment" or "establishment" does not
10 mean any of the following:

11 (1) A home, institution, or similar place operated by
12 the federal government or the State of Illinois.

13 (2) A long term care facility licensed under the
14 Nursing Home Care Act, a facility licensed under the
15 Specialized Mental Health Rehabilitation Act of 2013, a
16 facility licensed under the ID/DD Community Care Act, or a
17 facility licensed under the MC/DD Act. A facility licensed
18 under any of those Acts may, however, convert sections of
19 the facility to assisted living. If the facility elects to
20 do so, the facility shall retain the Certificate of Need
21 for its nursing beds that were converted.

22 (3) A hospital, sanitarium, or other institution, the
23 principal activity or business of which is the diagnosis,
24 care, and treatment of human illness and that is required
25 to be licensed under the Hospital Licensing Act.

26 (4) A facility for child care as defined in the Child

1 Care Act of 1969.

2 (5) A community living facility as defined in the
3 Community Living Facilities Licensing Act.

4 (6) A nursing home or sanitarium operated solely by
5 and for persons who rely exclusively upon treatment by
6 spiritual means through prayer in accordance with the
7 creed or tenants of a well-recognized church or religious
8 denomination.

9 (7) A facility licensed by the Department of Human
10 Services as a community-integrated living arrangement as
11 defined in the Community-Integrated Living Arrangements
12 Licensure and Certification Act.

13 (8) A supportive residence licensed under the
14 Supportive Residences Licensing Act.

15 (9) A life care facility as defined in the Life Care
16 Facilities Act; a life care facility may apply under this
17 Act to convert sections of the community to assisted
18 living.

19 (10) A free-standing hospice facility licensed under
20 the Hospice Program Licensing Act.

21 (11) An assisted living establishment.

22 (12) A supportive living facility as described in
23 Section 5-5.01a of the Illinois Public Aid Code.

24 "Total assistance" means that staff or another individual
25 performs the entire activity of daily living without
26 participation by the resident.

(Source: P.A. 103-844, eff. 7-1-25; 103-886, eff. 8-9-24;
revised 10-7-24.)

Section 730. The MC/DD Act is amended by changing Section
3-801.1 as follows:

(210 ILCS 46/3-801.1)

Sec. 3-801.1. Access to records of resident with
developmental disabilities. Notwithstanding the other
provisions of this Act to the contrary, the agency designated
by the Governor under Section 1 of the Protection and Advocacy
for Persons with Developmental Disabilities Act ~~"An Act in
relation to the protection and advocacy of the rights of
persons with developmental disabilities, and amending Acts
therein named", enacted by the 84th General Assembly,~~ shall
have access to the records of a person with developmental
disabilities who resides in a facility, subject to the
limitations of this Act. The agency shall also have access for
the purpose of inspection and copying, to the records of a
person with developmental disabilities who resides in any such
facility if (1) a complaint is received by such agency from or
on behalf of the person with a developmental disability, and
(2) such person does not have a guardian or the State or the
designee of the State is the guardian of such person. The
designated agency shall provide written notice to the person
with developmental disabilities and the State guardian of the

1 nature of the complaint based upon which the designated agency
2 has gained access to the records. No record or the contents of
3 any record shall be redisclosed by the designated agency
4 unless the person with developmental disabilities and the
5 State guardian are provided 7 days' advance written notice,
6 except in emergency situations, of the designated agency's
7 intent to redisclose such record, during which time the person
8 with developmental disabilities or the State guardian may seek
9 to judicially enjoin the designated agency's redisclosure of
10 such record on the grounds that such redisclosure is contrary
11 to the interests of the person with developmental
12 disabilities. If a person with developmental disabilities
13 resides in such a facility and has a guardian other than the
14 State or the designee of the State, the facility director
15 shall disclose the guardian's name, address, and telephone
16 number to the designated agency at the agency's request.

17 Upon request, the designated agency shall be entitled to
18 inspect and copy any records or other materials which may
19 further the agency's investigation of problems affecting
20 numbers of persons with developmental disabilities. When
21 required by law any personally identifiable information of
22 persons with a developmental disability shall be removed from
23 the records. However, the designated agency may not inspect or
24 copy any records or other materials when the removal of
25 personally identifiable information imposes an unreasonable
26 burden on the facility. For the purposes of this Section,

1 "developmental disability" means "developmental disability" as
2 defined in Section 1-106 of the Mental Health and
3 Developmental Disabilities Code.

4 (Source: P.A. 102-972, eff. 1-1-23; revised 7-19-24.)

5 Section 735. The Emergency Medical Services (EMS) Systems
6 Act is amended by changing Sections 3.40 and 3.117 as follows:

7 (210 ILCS 50/3.40)

8 Sec. 3.40. EMS System Participation Suspensions and Due
9 Process.

10 (a) An EMS Medical Director may suspend from participation
11 within the System any EMS personnel, EMS Lead Instructor (LI),
12 individual, individual provider, or other participant
13 considered not to be meeting the requirements of the Program
14 Plan of that approved EMS System. An EMS Medical Director must
15 submit a suspension order to the Department describing which
16 requirements of the Program Plan were not met and the
17 suspension's duration. The Department shall review and confirm
18 receipt of the suspension order, request additional
19 information, or initiate an investigation. The Department
20 shall incorporate the duration of that suspension into any
21 further action taken by the Department to suspend, revoke, or
22 refuse to issue or renew the license of the individual or
23 entity for any violation of this Act or the Program Plan
24 arising from the same conduct for which the suspension order

1 was issued if the suspended party has neither requested a
2 Department hearing on the suspension nor worked as a provider
3 in any other System during the term of the suspension.

4 (b) Prior to suspending any individual or entity, an EMS
5 Medical Director shall provide an opportunity for a hearing
6 before the local System review board in accordance with
7 subsection (f) and the rules promulgated by the Department.

8 (1) If the local System review board affirms or
9 modifies the EMS Medical Director's suspension order, the
10 individual or entity shall have the opportunity for a
11 review of the local board's decision by the State EMS
12 Disciplinary Review Board, pursuant to Section 3.45 of
13 this Act.

14 (2) If the local System review board reverses or
15 modifies the EMS Medical Director's order, the EMS Medical
16 Director shall have the opportunity for a review of the
17 local board's decision by the State EMS Disciplinary
18 Review Board, pursuant to Section 3.45 of this Act.

19 (3) The suspension shall commence only upon the
20 occurrence of one of the following:

21 (A) the individual or entity has waived the
22 opportunity for a hearing before the local System
23 review board;

24 (B) the order has been affirmed or modified by the
25 local system review board and the individual or entity
26 has waived the opportunity for review by the State

1 Board; or

2 (C) the order has been affirmed or modified by the
3 local system review board, and the local board's
4 decision has been affirmed or modified by the State
5 Board.

6 (c) An individual interviewed or investigated by the local
7 system review board or the Department shall have the right to a
8 union representative and legal counsel of the individual's
9 choosing present at any interview. The union representative
10 must comply with any confidentiality requirements and
11 requirements for the protection of any patient information
12 presented during the proceeding.

13 (d) An EMS Medical Director may immediately suspend an
14 EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, PHPA,
15 PHAPRN, or other individual or entity if he or she finds that
16 the continuation in practice by the individual or entity would
17 constitute an imminent danger to the public. The suspended
18 individual or entity shall be issued an immediate verbal
19 notification followed by a written suspension order by the EMS
20 Medical Director which states the length, terms, and basis for
21 the suspension.

22 (1) Within 24 hours following the commencement of the
23 suspension, the EMS Medical Director shall deliver to the
24 Department, by messenger, telefax, or other
25 Department-approved electronic communication, a copy of
26 the suspension order and copies of any written materials

1 which relate to the EMS Medical Director's decision to
2 suspend the individual or entity. All medical and
3 patient-specific information, including Department
4 findings with respect to the quality of care rendered,
5 shall be strictly confidential pursuant to the Medical
6 Studies Act (Part 21 of Article VIII of the Code of Civil
7 Procedure).

8 (2) Within 24 hours following the commencement of the
9 suspension, the suspended individual or entity may deliver
10 to the Department, by messenger, telefax, or other
11 Department-approved electronic communication, a written
12 response to the suspension order and copies of any written
13 materials which the individual or entity feels are
14 appropriate. All medical and patient-specific information,
15 including Department findings with respect to the quality
16 of care rendered, shall be strictly confidential pursuant
17 to the Medical Studies Act.

18 (3) Within 24 hours following receipt of the EMS
19 Medical Director's suspension order or the individual or
20 entity's written response, whichever is later, the
21 Director or the Director's designee shall determine
22 whether the suspension should be stayed pending an
23 opportunity for a hearing or review in accordance with
24 this Act, or whether the suspension should continue during
25 the course of that hearing or review. When an immediate
26 suspension order is not stayed, the Director or the

1 Director's designee within the Department shall identify
2 if that suspension shall immediately apply to statewide
3 participation only in situations when a licensee has been
4 charged with a crime while performing the licensee's
5 official duties as an EMR, EMD, EMT, EMT-I, A-EMT,
6 Paramedic, ECRN, TNS, PHRN, LI, PHPA, or PHAPRN and the
7 licensee's continuation to practice poses the possibility
8 of imminent harm to the public based upon ~~off~~ factual
9 evidence provided to the Department. The determination to
10 issue an immediate statewide suspension shall not deny the
11 right to due process to a licensee. The Director or the
12 Director's designee shall issue this determination to the
13 EMS Medical Director, who shall immediately notify the
14 suspended individual or entity. The suspension shall
15 remain in effect during this period of review by the
16 Director or the Director's designee.

17 (e) Upon issuance of a suspension order for reasons
18 directly related to medical care, the EMS Medical Director
19 shall also provide the individual or entity with the
20 opportunity for a hearing before the local System review
21 board, in accordance with subsection (f) and the rules
22 promulgated by the Department.

23 (1) If the local System review board affirms or
24 modifies the EMS Medical Director's suspension order, the
25 individual or entity shall have the opportunity for a
26 review of the local board's decision by the State EMS

1 Disciplinary Review Board, pursuant to Section 3.45 of
2 this Act.

3 (2) If the local System review board reverses or
4 modifies the EMS Medical Director's suspension order, the
5 EMS Medical Director shall have the opportunity for a
6 review of the local board's decision by the State EMS
7 Disciplinary Review Board, pursuant to Section 3.45 of
8 this Act.

9 (3) The suspended individual or entity may elect to
10 bypass the local System review board and seek direct
11 review of the EMS Medical Director's suspension order by
12 the State EMS Disciplinary Review Board.

13 (f) The Resource Hospital shall designate a local System
14 review board in accordance with the rules of the Department,
15 for the purpose of providing a hearing to any individual or
16 entity participating within the System who is suspended from
17 participation by the EMS Medical Director. The EMS Medical
18 Director shall arrange for a certified shorthand reporter to
19 make a stenographic record of that hearing and thereafter
20 prepare a transcript of the proceedings. The EMS Medical
21 Director shall inform the individual of the individual's right
22 to have a union representative and legal counsel of the
23 individual's choosing present at any interview. The union
24 representative must comply with any confidentiality
25 requirements and requirements for the protection of any
26 patient information presented during the proceeding. The

1 transcript, all documents or materials received as evidence
2 during the hearing and the local System review board's written
3 decision shall be retained in the custody of the EMS system.
4 The System shall implement a decision of the local System
5 review board unless that decision has been appealed to the
6 State Emergency Medical Services Disciplinary Review Board in
7 accordance with this Act and the rules of the Department.

8 (g) The Resource Hospital shall implement a decision of
9 the State Emergency Medical Services Disciplinary Review Board
10 which has been rendered in accordance with this Act and the
11 rules of the Department.

12 (Source: P.A. 103-521, eff. 1-1-24; 103-779, eff. 8-2-24;
13 revised 10-21-24.)

14 (210 ILCS 50/3.117)

15 Sec. 3.117. Hospital designations.

16 (a) The Department shall attempt to designate Primary
17 Stroke Centers in all areas of the State.

18 (1) The Department shall designate as many certified
19 Primary Stroke Centers as apply for that designation
20 provided they are certified by a nationally recognized
21 certifying body, approved by the Department, and
22 certification criteria are consistent with the most
23 current nationally recognized, evidence-based stroke
24 guidelines related to reducing the occurrence,
25 disabilities, and death associated with stroke.

1 (2) A hospital certified as a Primary Stroke Center by
2 a nationally recognized certifying body approved by the
3 Department, shall send a copy of the Certificate and
4 annual fee to the Department and shall be deemed, within
5 30 business days of its receipt by the Department, to be a
6 State-designated Primary Stroke Center.

7 (3) A center designated as a Primary Stroke Center
8 shall pay an annual fee as determined by the Department
9 that shall be no less than \$100 and no greater than \$500.
10 All fees shall be deposited into the Stroke Data
11 Collection Fund.

12 (3.5) With respect to a hospital that is a designated
13 Primary Stroke Center, the Department shall have the
14 authority and responsibility to do the following:

15 (A) Suspend or revoke a hospital's Primary Stroke
16 Center designation upon receiving notice that the
17 hospital's Primary Stroke Center certification has
18 lapsed or has been revoked by the State recognized
19 certifying body.

20 (B) Suspend a hospital's Primary Stroke Center
21 designation, in extreme circumstances where patients
22 may be at risk for immediate harm or death, until such
23 time as the certifying body investigates and makes a
24 final determination regarding certification.

25 (C) Restore any previously suspended or revoked
26 Department designation upon notice to the Department

1 that the certifying body has confirmed or restored the
2 Primary Stroke Center certification of that previously
3 designated hospital.

4 (D) Suspend a hospital's Primary Stroke Center
5 designation at the request of a hospital seeking to
6 suspend its own Department designation.

7 (4) Primary Stroke Center designation shall remain
8 valid at all times while the hospital maintains its
9 certification as a Primary Stroke Center, in good
10 standing, with the certifying body. The duration of a
11 Primary Stroke Center designation shall coincide with the
12 duration of its Primary Stroke Center certification. Each
13 designated Primary Stroke Center shall have its
14 designation automatically renewed upon the Department's
15 receipt of a copy of the accrediting body's certification
16 renewal.

17 (5) A hospital that no longer meets nationally
18 recognized, evidence-based standards for Primary Stroke
19 Centers, or loses its Primary Stroke Center certification,
20 shall notify the Department and the Regional EMS Advisory
21 Committee within 5 business days.

22 (a-5) The Department shall attempt to designate
23 Comprehensive Stroke Centers in all areas of the State.

24 (1) The Department shall designate as many certified
25 Comprehensive Stroke Centers as apply for that
26 designation, provided that the Comprehensive Stroke

1 Centers are certified by a nationally recognized
2 certifying body approved by the Department, and provided
3 that the certifying body's certification criteria are
4 consistent with the most current nationally recognized and
5 evidence-based stroke guidelines for reducing the
6 occurrence of stroke and the disabilities and death
7 associated with stroke.

8 (2) A hospital certified as a Comprehensive Stroke
9 Center shall send a copy of the Certificate and annual fee
10 to the Department and shall be deemed, within 30 business
11 days of its receipt by the Department, to be a
12 State-designated Comprehensive Stroke Center.

13 (3) A hospital designated as a Comprehensive Stroke
14 Center shall pay an annual fee as determined by the
15 Department that shall be no less than \$100 and no greater
16 than \$500. All fees shall be deposited into the Stroke
17 Data Collection Fund.

18 (4) With respect to a hospital that is a designated
19 Comprehensive Stroke Center, the Department shall have the
20 authority and responsibility to do the following:

21 (A) Suspend or revoke the hospital's Comprehensive
22 Stroke Center designation upon receiving notice that
23 the hospital's Comprehensive Stroke Center
24 certification has lapsed or has been revoked by the
25 State recognized certifying body.

26 (B) Suspend the hospital's Comprehensive Stroke

1 Center designation, in extreme circumstances in which
2 patients may be at risk for immediate harm or death,
3 until such time as the certifying body investigates
4 and makes a final determination regarding
5 certification.

6 (C) Restore any previously suspended or revoked
7 Department designation upon notice to the Department
8 that the certifying body has confirmed or restored the
9 Comprehensive Stroke Center certification of that
10 previously designated hospital.

11 (D) Suspend the hospital's Comprehensive Stroke
12 Center designation at the request of a hospital
13 seeking to suspend its own Department designation.

14 (5) Comprehensive Stroke Center designation shall
15 remain valid at all times while the hospital maintains its
16 certification as a Comprehensive Stroke Center, in good
17 standing, with the certifying body. The duration of a
18 Comprehensive Stroke Center designation shall coincide
19 with the duration of its Comprehensive Stroke Center
20 certification. Each designated Comprehensive Stroke Center
21 shall have its designation automatically renewed upon the
22 Department's receipt of a copy of the certifying body's
23 certification renewal.

24 (6) A hospital that no longer meets nationally
25 recognized, evidence-based standards for Comprehensive
26 Stroke Centers, or loses its Comprehensive Stroke Center

1 certification, shall notify the Department and the
2 Regional EMS Advisory Committee within 5 business days.

3 (a-7) ~~(a-5)~~ The Department shall attempt to designate
4 Thrombectomy Capable Stroke Centers, Thrombectomy Ready Stroke
5 Centers, and Primary Stroke Centers Plus in all areas of the
6 State according to the following requirements:

7 (1) The Department shall designate as many certified
8 Thrombectomy Capable Stroke Centers, Thrombectomy Ready
9 Stroke Centers, and Primary Stroke Centers Plus as apply
10 for that designation, provided that the body certifying
11 the facility uses certification criteria consistent with
12 the most current nationally recognized and evidence-based
13 stroke guidelines for reducing the occurrence of strokes
14 and the disabilities and death associated with strokes.

15 (2) A Thrombectomy Capable Stroke Center, Thrombectomy
16 Ready Stroke Center, or Primary Stroke Center Plus shall
17 send a copy of the certificate of its designation and
18 annual fee to the Department and shall be deemed, within
19 30 business days after its receipt by the Department, to
20 be a State-designated Thrombectomy Capable Stroke Center,
21 Thrombectomy Ready Stroke Center, or Primary Stroke Center
22 Plus.

23 (3) A Thrombectomy Capable Stroke Center, Thrombectomy
24 Ready Stroke Center, or Primary Stroke Center Plus shall
25 pay an annual fee as determined by the Department that
26 shall be no less than \$100 and no greater than \$500. All

1 fees collected under this paragraph shall be deposited
2 into the Stroke Data Collection Fund.

3 (4) With respect to a Thrombectomy Capable Stroke
4 Center, Thrombectomy Ready Stroke Center, or Primary
5 Stroke Center Plus, the Department shall:

6 (A) suspend or revoke the Thrombectomy Capable
7 Stroke Center, Thrombectomy Ready Stroke Center, or
8 Primary Stroke Center Plus designation upon receiving
9 notice that the Thrombectomy Capable Stroke Center's,
10 Thrombectomy Ready Stroke Center's, or Primary Stroke
11 Center Plus's certification has lapsed or has been
12 revoked by its certifying body;

13 (B) in extreme circumstances in which patients may
14 be at risk for immediate harm or death, suspend the
15 Thrombectomy Capable Stroke Center's, Thrombectomy
16 Ready Stroke Center's, or Primary Stroke Center Plus's
17 designation until its certifying body investigates the
18 circumstances and makes a final determination
19 regarding its certification;

20 (C) restore any previously suspended or revoked
21 Department designation upon notice to the Department
22 that the certifying body has confirmed or restored the
23 Thrombectomy Capable Stroke Center's, Thrombectomy
24 Ready Stroke Center's, or Primary Stroke Center Plus's
25 certification; and

26 (D) suspend the Thrombectomy Capable Stroke

1 Center's, Thrombectomy Ready Stroke Center's, or
2 Primary Stroke Center Plus's designation at the
3 request of a facility seeking to suspend its own
4 Department designation.

5 (5) A Thrombectomy Capable Stroke Center, Thrombectomy
6 Ready Stroke Center, or Primary Stroke Center Plus
7 designation shall remain valid at all times while the
8 facility maintains its certification as a Thrombectomy
9 Capable Stroke Center, Thrombectomy Ready Stroke Center,
10 or Primary Stroke Center Plus and is in good standing with
11 the certifying body. The duration of a Thrombectomy
12 Capable Stroke Center, Thrombectomy Ready Stroke Center,
13 or Primary Stroke Center Plus designation shall be the
14 same as the duration of its Thrombectomy Capable Stroke
15 Center, Thrombectomy Ready Stroke Center, or Primary
16 Stroke Center Plus certification. Each designated
17 Thrombectomy Capable Stroke Center, Thrombectomy Ready
18 Stroke Center, or Primary Stroke Center Plus shall have
19 its designation automatically renewed upon the
20 Department's receipt of a copy of the certifying body's
21 renewal of the certification.

22 (6) A hospital that no longer meets the criteria for
23 Thrombectomy Capable Stroke Centers, Thrombectomy Ready
24 Stroke Centers, or Primary Stroke Centers Plus, or loses
25 its Thrombectomy Capable Stroke Center, Thrombectomy Ready
26 Stroke Center, or Primary Stroke Center Plus

1 certification, shall notify the Department and the
2 Regional EMS Advisory Committee of the situation within 5
3 business days after being made aware of it.

4 (b) Beginning on the first day of the month that begins 12
5 months after the adoption of rules authorized by this
6 subsection, the Department shall attempt to designate
7 hospitals as Acute Stroke-Ready Hospitals in all areas of the
8 State. Designation may be approved by the Department after a
9 hospital has been certified as an Acute Stroke-Ready Hospital
10 or through application and designation by the Department. For
11 any hospital that is designated as an Emergent Stroke Ready
12 Hospital at the time that the Department begins the
13 designation of Acute Stroke-Ready Hospitals, the Emergent
14 Stroke Ready designation shall remain intact for the duration
15 of the 12-month period until that designation expires. Until
16 the Department begins the designation of hospitals as Acute
17 Stroke-Ready Hospitals, hospitals may achieve Emergent Stroke
18 Ready Hospital designation utilizing the processes and
19 criteria provided in Public Act 96-514.

20 (1) (Blank).

21 (2) Hospitals may apply for, and receive, Acute
22 Stroke-Ready Hospital designation from the Department,
23 provided that the hospital attests, on a form developed by
24 the Department in consultation with the State Stroke
25 Advisory Subcommittee, that it meets, and will continue to
26 meet, the criteria for Acute Stroke-Ready Hospital

1 designation and pays an annual fee.

2 A hospital designated as an Acute Stroke-Ready
3 Hospital shall pay an annual fee as determined by the
4 Department that shall be no less than \$100 and no greater
5 than \$500. All fees shall be deposited into the Stroke
6 Data Collection Fund.

7 (2.5) A hospital may apply for, and receive, Acute
8 Stroke-Ready Hospital designation from the Department,
9 provided that the hospital provides proof of current Acute
10 Stroke-Ready Hospital certification and the hospital pays
11 an annual fee.

12 (A) Acute Stroke-Ready Hospital designation shall
13 remain valid at all times while the hospital maintains
14 its certification as an Acute Stroke-Ready Hospital,
15 in good standing, with the certifying body.

16 (B) The duration of an Acute Stroke-Ready Hospital
17 designation shall coincide with the duration of its
18 Acute Stroke-Ready Hospital certification.

19 (C) Each designated Acute Stroke-Ready Hospital
20 shall have its designation automatically renewed upon
21 the Department's receipt of a copy of the certifying
22 body's certification renewal and Application for
23 Stroke Center Designation form.

24 (D) A hospital must submit a copy of its
25 certification renewal from the certifying body as soon
26 as practical but no later than 30 business days after

1 that certification is received by the hospital. Upon
2 the Department's receipt of the renewal certification,
3 the Department shall renew the hospital's Acute
4 Stroke-Ready Hospital designation.

5 (E) A hospital designated as an Acute Stroke-Ready
6 Hospital shall pay an annual fee as determined by the
7 Department that shall be no less than \$100 and no
8 greater than \$500. All fees shall be deposited into
9 the Stroke Data Collection Fund.

10 (3) Hospitals seeking Acute Stroke-Ready Hospital
11 designation that do not have certification shall develop
12 policies and procedures that are consistent with
13 nationally recognized, evidence-based protocols for the
14 provision of emergent stroke care. Hospital policies
15 relating to emergent stroke care and stroke patient
16 outcomes shall be reviewed at least annually, or more
17 often as needed, by a hospital committee that oversees
18 quality improvement. Adjustments shall be made as
19 necessary to advance the quality of stroke care delivered.
20 Criteria for Acute Stroke-Ready Hospital designation of
21 hospitals shall be limited to the ability of a hospital
22 to:

23 (A) create written acute care protocols related to
24 emergent stroke care;

25 (A-5) participate in the data collection system
26 provided in Section 3.118, if available;

1 (B) maintain a written transfer agreement with one
2 or more hospitals that have neurosurgical expertise;

3 (C) designate a Clinical Director of Stroke Care
4 who shall be a clinical member of the hospital staff
5 with training or experience, as defined by the
6 facility, in the care of patients with cerebrovascular
7 disease. This training or experience may include, but
8 is not limited to, completion of a fellowship or other
9 specialized training in the area of cerebrovascular
10 disease, attendance at national courses, or prior
11 experience in neuroscience intensive care units. The
12 Clinical Director of Stroke Care may be a neurologist,
13 neurosurgeon, emergency medicine physician, internist,
14 radiologist, advanced practice registered nurse, or
15 physician ~~physician's~~ assistant;

16 (C-5) provide rapid access to an acute stroke
17 team, as defined by the facility, that considers and
18 reflects nationally recognized, evidence-based
19 protocols or guidelines;

20 (D) administer thrombolytic therapy, or
21 subsequently developed medical therapies that meet
22 nationally recognized, evidence-based stroke
23 guidelines;

24 (E) conduct brain image tests at all times;

25 (F) conduct blood coagulation studies at all
26 times;

1 (G) maintain a log of stroke patients, which shall
2 be available for review upon request by the Department
3 or any hospital that has a written transfer agreement
4 with the Acute Stroke-Ready Hospital;

5 (H) admit stroke patients to a unit that can
6 provide appropriate care that considers and reflects
7 nationally recognized, evidence-based protocols or
8 guidelines or transfer stroke patients to an Acute
9 Stroke-Ready Hospital, Primary Stroke Center, or
10 Comprehensive Stroke Center, or another facility that
11 can provide the appropriate care that considers and
12 reflects nationally recognized, evidence-based
13 protocols or guidelines; and

14 (I) demonstrate compliance with nationally
15 recognized quality indicators.

16 (4) With respect to Acute Stroke-Ready Hospital
17 designation, the Department shall have the authority and
18 responsibility to do the following:

19 (A) Require hospitals applying for Acute
20 Stroke-Ready Hospital designation to attest, on a form
21 developed by the Department in consultation with the
22 State Stroke Advisory Subcommittee, that the hospital
23 meets, and will continue to meet, the criteria for an
24 Acute Stroke-Ready Hospital.

25 (A-5) Require hospitals applying for Acute
26 Stroke-Ready Hospital designation via national Acute

1 Stroke-Ready Hospital certification to provide proof
2 of current Acute Stroke-Ready Hospital certification,
3 in good standing.

4 The Department shall require a hospital that is
5 already certified as an Acute Stroke-Ready Hospital to
6 send a copy of the Certificate to the Department.

7 Within 30 business days of the Department's
8 receipt of a hospital's Acute Stroke-Ready Certificate
9 and Application for Stroke Center Designation form
10 that indicates that the hospital is a certified Acute
11 Stroke-Ready Hospital, in good standing, the hospital
12 shall be deemed a State-designated Acute Stroke-Ready
13 Hospital. The Department shall send a designation
14 notice to each hospital that it designates as an Acute
15 Stroke-Ready Hospital and shall add the names of
16 designated Acute Stroke-Ready Hospitals to the website
17 listing immediately upon designation. The Department
18 shall immediately remove the name of a hospital from
19 the website listing when a hospital loses its
20 designation after notice and, if requested by the
21 hospital, a hearing.

22 The Department shall develop an Application for
23 Stroke Center Designation form that contains a
24 statement that "The above named facility meets the
25 requirements for Acute Stroke-Ready Hospital
26 Designation as provided in Section 3.117 of the

1 Emergency Medical Services (EMS) Systems Act" and
2 shall instruct the applicant facility to provide: the
3 hospital name and address; the hospital CEO or
4 Administrator's typed name and signature; the hospital
5 Clinical Director of Stroke Care's typed name and
6 signature; and a contact person's typed name, email
7 address, and phone number.

8 The Application for Stroke Center Designation form
9 shall contain a statement that instructs the hospital
10 to "Provide proof of current Acute Stroke-Ready
11 Hospital certification from a nationally recognized
12 certifying body approved by the Department".

13 (B) Designate a hospital as an Acute Stroke-Ready
14 Hospital no more than 30 business days after receipt
15 of an attestation that meets the requirements for
16 attestation, unless the Department, within 30 days of
17 receipt of the attestation, chooses to conduct an
18 onsite survey prior to designation. If the Department
19 chooses to conduct an onsite survey prior to
20 designation, then the onsite survey shall be conducted
21 within 90 days of receipt of the attestation.

22 (C) Require annual written attestation, on a form
23 developed by the Department in consultation with the
24 State Stroke Advisory Subcommittee, by Acute
25 Stroke-Ready Hospitals to indicate compliance with
26 Acute Stroke-Ready Hospital criteria, as described in

1 this Section, and automatically renew Acute
2 Stroke-Ready Hospital designation of the hospital.

3 (D) Issue an Emergency Suspension of Acute
4 Stroke-Ready Hospital designation when the Director,
5 or his or her designee, has determined that the
6 hospital no longer meets the Acute Stroke-Ready
7 Hospital criteria and an immediate and serious danger
8 to the public health, safety, and welfare exists. If
9 the Acute Stroke-Ready Hospital fails to eliminate the
10 violation immediately or within a fixed period of
11 time, not exceeding 10 days, as determined by the
12 Director, the Director may immediately revoke the
13 Acute Stroke-Ready Hospital designation. The Acute
14 Stroke-Ready Hospital may appeal the revocation within
15 15 business days after receiving the Director's
16 revocation order, by requesting an administrative
17 hearing.

18 (E) After notice and an opportunity for an
19 administrative hearing, suspend, revoke, or refuse to
20 renew an Acute Stroke-Ready Hospital designation, when
21 the Department finds the hospital is not in
22 substantial compliance with current Acute Stroke-Ready
23 Hospital criteria.

24 (c) The Department shall consult with the State Stroke
25 Advisory Subcommittee for developing the designation,
26 re-designation, and de-designation processes for Comprehensive

1 Stroke Centers, Thrombectomy Capable Stroke Centers,
2 Thrombectomy Ready Stroke Centers, Primary Stroke Centers
3 Plus, Primary Stroke Centers, and Acute Stroke-Ready
4 Hospitals.

5 (d) The Department shall consult with the State Stroke
6 Advisory Subcommittee as subject matter experts at least
7 annually regarding stroke standards of care.

8 (Source: P.A. 102-687, eff. 12-17-21; 103-149, eff. 1-1-24;
9 revised 7-19-24.)

10 Section 740. The Hospital Licensing Act is amended by
11 setting forth and renumbering multiple versions of Section
12 11.9 as follows:

13 (210 ILCS 85/11.9)

14 Sec. 11.9. Maternal milk donation education.

15 (a) To ensure an adequate supply of pasteurized donor
16 human milk for premature infants in Illinois, a hospital with
17 licensed obstetric beds shall provide information and
18 instructional materials to parents of each newborn, upon
19 discharge from the hospital, regarding the option to
20 voluntarily donate milk to nonprofit milk banks that are
21 accredited by the Human Milk Banking Association of North
22 America or its successor organization. The materials shall be
23 provided free of charge and shall include general information
24 regarding nonprofit milk banking practices and contact

1 information for area nonprofit milk banks that are accredited
2 by the Human Milk Banking Association of North America.

3 (b) The information and instructional materials described
4 in subsection (a) may be provided electronically.

5 (c) Nothing in this Section prohibits a hospital from
6 obtaining free and suitable information on voluntary milk
7 donation from the Human Milk Banking Association of North
8 America, its successor organization, or its accredited
9 members.

10 (Source: P.A. 103-160, eff. 1-1-24; 103-605, eff. 7-1-24.)

11 (210 ILCS 85/11.10)

12 (This Section may contain text from a Public Act with a
13 delayed effective date)

14 Sec. 11.10 ~~11.9~~. Certificate of birth resulting in
15 stillbirth; notification. This Section may be referred to as
16 Liam's Law.

17 A hospital having custody of a fetus following a
18 spontaneous fetal death occurring during or after a gestation
19 period of at least 20 completed weeks must notify the
20 gestational parent of the parent's right to receive a
21 certificate of birth resulting in stillbirth as described in
22 Section 20.5 of the Vital Records Act. The Department of
23 Public Health shall develop language on a form to be used for
24 notification under this Section and hospitals shall provide
25 the form to the gestational parent. This section of language

1 shall be known as a "Liam's Law notice". The "Liam's Law
2 notice" shall be available in both English and Spanish.

3 (Source: P.A. 103-948, eff. 7-1-25; revised 10-2-24.)

4 Section 745. The Fair Patient Billing Act is amended by
5 changing Section 35 as follows:

6 (210 ILCS 88/35)

7 Sec. 35. Collection limitations.

8 (a) The hospital shall not pursue legal action for
9 non-payment of a hospital bill against uninsured patients who
10 have clearly demonstrated that they have neither sufficient
11 income nor assets to meet their financial obligations provided
12 the patient has complied with Section 45 of this Act.

13 (b) A hospital may not bill an uninsured patient who ~~that~~
14 requires health care services, as defined in Section 5 of the
15 Hospital Uninsured Patient Discount Act, if it determines,
16 through its financial assistance screening process, that the
17 patient has a household income that qualifies the person for
18 free care under the Hospital Uninsured Patient Discount Act.
19 If the patient is deemed eligible for public health insurance
20 or any other insurance product certified by the Department of
21 Insurance, the hospital shall provide information to the
22 patient about how the patient can apply for the insurance
23 program under subsection (f) of Section 16.

24 (Source: P.A. 103-901, eff. 1-1-25; revised 11-22-24.)

1 Section 750. The Mobile Home Park Act is amended by
2 changing Sections 1 and 21.5 as follows:

3 (210 ILCS 115/1) (from Ch. 111 1/2, par. 711)

4 Sec. 1. The General Assembly of Illinois finds: (1) that
5 there is a serious housing shortage in this State ~~state~~; (2)
6 that rising costs in the building construction field have ~~has~~
7 seriously impeded the building of new housing, particularly
8 for moderate-income ~~moderate~~ and low-income ~~low-income~~
9 citizens; (3) that the existing housing stock is continuously
10 depleted through demolition resulting from aging buildings,
11 urban renewal, highway construction, and other necessary
12 public improvements; (4) that advances in the construction of
13 mobile homes have ~~has~~ significantly increased the importance
14 of this mode of housing; and (5) that, and through proper
15 regulation and licensing, and mobile homes can contribute to the
16 quality housing of Illinois citizens.

17 (Source: P.A. 77-1472; revised 10-23-24.)

18 (210 ILCS 115/21.5)

19 Sec. 21.5. Mobile home parks report. Beginning in 2026,
20 the Department shall prepare an annual report that contains,
21 at a minimum, the total number of mobile parks licensed by
22 ~~registered with~~ the Department; the total number of mobile
23 home parks that closed in the preceding year; the total number

1 of newly permitted mobile home parks from the preceding year;
2 the total number of mobile home parks that failed to renew and
3 comply with the licensing requirements for the preceding
4 calendar year; how many administrative cases were opened in
5 the preceding calendar year; if the administrative case was
6 resolved or is still open; a brief summary of the nature of the
7 administrative cases; and an update on the Department's
8 staffing for mobile home enforcement and oversight. The report
9 shall be made public no later than July 1 for the preceding
10 calendar year.

11 (Source: P.A. 103-819, eff. 1-1-25; revised 12-1-24.)

12 Section 755. The Illinois Insurance Code is amended by
13 changing the heading of Article V.75 and Sections 155.36, 355,
14 356z.5, 356z.14, 356z.25, 356z.40, 363, 367a, 367f, 370c, 408,
15 416, 500-35, 511.109, and 534.3 and by setting forth and
16 renumbering multiple versions of Sections 356z.61 and 356z.71
17 as follows:

18 (215 ILCS 5/Art. V.75 heading)

19 ARTICLE V 3/4. GROUP WORKERS' COMPENSATION

20 POOLS; POOLING; INSOLVENCY FUND-

21 (215 ILCS 5/155.36)

22 Sec. 155.36. Managed Care Reform and Patient Rights Act.
23 Insurance companies that transact the kinds of insurance

1 authorized under Class 1(b) or Class 2(a) of Section 4 of this
2 Code shall comply with Sections 25, 45, 45.1, 45.2, 45.3, 65,
3 70, 85, and 87, subsection (d) of Section 30, and the
4 definitions of the term "emergency medical condition" and any
5 other term in Section 10 of the Managed Care Reform and Patient
6 Rights Act that is used in the other Sections listed in this
7 Section. Except as provided by Section 85 of the Managed Care
8 Reform and Patient Rights Act, no law or rule shall be
9 construed to exempt any utilization review program from the
10 requirements of Section 85 of the Managed Care Reform and
11 Patient Rights Act with respect to any insurance described in
12 this Section.

13 (Source: P.A. 102-409, eff. 1-1-22; 103-426, eff. 8-4-23;
14 103-650, eff. 1-1-25; 103-656, eff. 1-1-25; revised 11-26-24.)

15 (215 ILCS 5/355)

16 Sec. 355. Accident and health policies; provisions.

17 (a) As used in this Section:

18 "Inadequate rate" means a rate:

19 (1) that is insufficient to sustain projected losses
20 and expenses to which the rate applies; and

21 (2) the continued use of which endangers the solvency
22 of an insurer using that rate.

23 "Large employer" has the meaning provided in the Illinois
24 Health Insurance Portability and Accountability Act.

25 "Plain language" has the meaning provided in the federal

1 Plain Writing Act of 2010 and subsequent guidance documents,
2 including the Federal Plain Language Guidelines.

3 "Unreasonable rate increase" means a rate increase that
4 the Director determines to be excessive, unjustified, or
5 unfairly discriminatory in accordance with 45 CFR 154.205.

6 (b) No policy of insurance against loss or damage from the
7 sickness, or from the bodily injury or death of the insured by
8 accident shall be issued or delivered to any person in this
9 State until a copy of the form thereof and of the
10 classification of risks and the premium rates pertaining
11 thereto have been filed with the Director; nor shall it be so
12 issued or delivered until the Director shall have approved
13 such policy pursuant to the provisions of Section 143. If the
14 Director disapproves the policy form, he or she shall make a
15 written decision stating the respects in which such form does
16 not comply with the requirements of law and shall deliver a
17 copy thereof to the company and it shall be unlawful
18 thereafter for any such company to issue any policy in such
19 form. On and after January 1, 2025, any form filing submitted
20 for large employer group accident and health insurance shall
21 be automatically deemed approved within 90 days of the
22 submission date unless the Director extends by not more than
23 an additional 30 days the period within which the form shall be
24 approved or disapproved by giving written notice to the
25 insurer of such extension before the expiration of the 90
26 days. Any form in receipt of such an extension shall be

1 automatically deemed approved within 120 days of the
2 submission date. The Director may toll the filing due to a
3 conflict in legal interpretation of federal or State law as
4 long as the tolling is applied uniformly to all applicable
5 forms, written notification is provided to the insurer prior
6 to the tolling, the duration of the tolling is provided within
7 the notice to the insurer, and justification for the tolling
8 is posted to the Department's website. The Director may
9 disapprove the filing if the insurer fails to respond to an
10 objection or request for additional information within the
11 timeframe identified for response. As used in this subsection,
12 "large employer" has the meaning given in Section 5 of the
13 federal Health Insurance Portability and Accountability Act.

14 (c) For plan year 2026 and thereafter, premium rates for
15 all individual and small group accident and health insurance
16 policies must be filed with the Department for approval.
17 Unreasonable rate increases or inadequate rates shall be
18 modified or disapproved. For any plan year during which the
19 Illinois Health Benefits Exchange operates as a full
20 State-based exchange, the Department shall provide insurers at
21 least 30 days' notice of the deadline to submit rate filings.

22 (c-5) Unless prohibited under federal law, for plan year
23 2026 and thereafter, each insurer proposing to offer a
24 qualified health plan issued in the individual market through
25 the Illinois Health Benefits Exchange must incorporate the
26 following approach in its rate filing under this Section:

1 (1) The rate filing must apply a cost-sharing
2 reduction defunding adjustment factor within a range that:

3 (A) is uniform across all insurers;

4 (B) is consistent with the total adjustment
5 expected to be needed to cover actual cost-sharing
6 reduction costs across all silver plans on the
7 Illinois Health Benefits Exchange statewide, provided
8 that such costs are calculated assuming utilization by
9 the State's full individual-market risk pool; and

10 (C) assumes that the only on-Exchange silver plans
11 that will be purchased are the 87% and 94%
12 cost-sharing reduction variations.

13 (2) The rate filing must apply an induced demand
14 factor based on the following formula: (Plan Actuarial
15 Value)² - (Plan Actuarial Value) + 1.24.

16 In the annual notice to insurers described in subsection
17 (c), the Department must include the specific numerical range
18 calculated for the applicable plan year under paragraph (1) of
19 this subsection (c-5) and the formula in paragraph (2) of this
20 subsection (c-5).

21 (d) For plan year 2025 and thereafter, the Department
22 shall post all insurers' rate filings and summaries on the
23 Department's website 5 business days after the rate filing
24 deadline set by the Department in annual guidance. The rate
25 filings and summaries posted to the Department's website shall
26 exclude information that is proprietary or trade secret

1 information protected under paragraph (g) of subsection (1) of
2 Section 7 of the Freedom of Information Act or confidential or
3 privileged under any applicable insurance law or rule. All
4 summaries shall include a brief justification of any rate
5 increase or decrease requested, including the number of
6 individual members, the medical loss ratio, medical trend,
7 administrative costs, and any other information required by
8 rule. The plain writing summary shall include notification of
9 the public comment period established in subsection (e).

10 (e) The Department shall open a 30-day public comment
11 period on the rate filings beginning on the date that all of
12 the rate filings are posted on the Department's website. The
13 Department shall post all of the comments received to the
14 Department's website within 5 business days after the comment
15 period ends.

16 (f) After the close of the public comment period described
17 in subsection (e), the Department, beginning for plan year
18 2026, shall issue a decision to approve, disapprove, or modify
19 a rate filing within 60 days. Any rate filing or any rates
20 within a filing on which the Director does not issue a decision
21 within 60 days shall automatically be deemed approved. The
22 Director's decision shall take into account the actuarial
23 justifications and public comments. The Department shall
24 notify the insurer of the decision, make the decision
25 available to the public by posting it on the Department's
26 website, and include an explanation of the findings, actuarial

1 justifications, and rationale that are the basis for the
2 decision. Any company whose rate has been modified or
3 disapproved shall be allowed to request a hearing within 10
4 days after the action taken. The action of the Director in
5 disapproving a rate shall be subject to judicial review under
6 the Administrative Review Law.

7 (g) If, following the issuance of a decision but before
8 the effective date of the premium rates approved by the
9 decision, an event occurs that materially affects the
10 Director's decision to approve, deny, or modify the rates, the
11 Director may consider supplemental facts or data reasonably
12 related to the event.

13 (h) The Department shall adopt rules implementing the
14 procedures described in subsections (d) through (g) by March
15 31, 2024.

16 (i) Subsection (a), subsections (c) through (h), and
17 subsection (j) of this Section do not apply to grandfathered
18 health plans as defined in 45 CFR 147.140; excepted benefits
19 as defined in 42 U.S.C. 300gg-91; or student health insurance
20 coverage as defined in 45 CFR 147.145. For a filing of premium
21 rates or classifications of risk for any of these types of
22 coverage, the Director's initial review period shall not
23 exceed 60 days to issue informal objections to the company
24 that request additional clarification, explanation,
25 substantiating documentation, or correction of concerns
26 identified in the filing before the company implements the

1 premium rates, classifications, or related rate-setting
2 methodologies described in the filing, except that the
3 Director may extend by not more than an additional 30 days the
4 period of initial review by giving written notice to the
5 company of such extension before the expiration of the initial
6 60-day period. Nothing in this subsection shall confer
7 authority upon the Director to approve, modify, or disapprove
8 rates where that authority is not provided by other law.
9 Nothing in this subsection shall prohibit the Director from
10 conducting any investigation, examination, hearing, or other
11 formal administrative or enforcement proceeding with respect
12 to a company's rate filing or implementation thereof under
13 applicable law at any time, including after the period of
14 initial review.

15 (j) Subsection (a) and subsections (c) through (h) do not
16 apply to group policies issued in the large group market as
17 defined in Section 5 of the Illinois Health Insurance
18 Portability and Accountability Act. For large group policies
19 issued, delivered, amended, or renewed on or after January 1,
20 2026 that are not described in subsection (i), the premium
21 rates and risk classifications, including any rate manuals and
22 rules used to arrive at the rates, must be filed with the
23 Department annually for approval at least 120 days before the
24 rates are intended to take effect.

25 (1) A rate filing shall be modified or disapproved if
26 the premiums are unreasonable in relation to the benefits

1 because the rates were not calculated in accordance with
2 sound actuarial principles.

3 (2) Within 60 days of receipt of the rate filing, the
4 Director shall issue a decision to approve, disapprove, or
5 modify the filing along with the reasons and actuarial
6 justification for the decision. Any rate filing or rates
7 within a filing on which the Director does not issue a
8 decision within 60 days shall be automatically deemed
9 approved.

10 (3) Any company whose rate or rate filing has been
11 modified or disapproved shall be allowed to request a
12 hearing within 10 days after the action taken. The action
13 of the Director in disapproving a rate or rate filing
14 shall be subject to judicial review under the
15 Administrative Review Law.

16 (4) Nothing in this subsection requires a company to
17 file a large group policy's final premium rates for prior
18 approval if the company negotiates the final rates or rate
19 adjustments with the plan sponsor or its administrator in
20 accordance with the rate manual and rules of the currently
21 approved rate filing for the policy.

22 In this subsection, "administrator" and "plan sponsor"
23 have the meanings ~~meaning~~ given to those terms in 29 U.S.C.
24 1002(16).

25 (Source: P.A. 103-106, eff. 1-1-24; 103-650, Article 3,
26 Section 3-5, eff. 1-1-25; 103-650, Article 4, Section 4-5,

1 eff. 1-1-25; revised 11-26-24.)

2 (215 ILCS 5/356z.5)

3 Sec. 356z.5. Prescription inhalers ~~inhalants~~.

4 (a) In this Section, "prescription inhaler" means a
5 prescribed medical device that delivers inhaled medications
6 used to treat breathing for persons suffering from asthma or
7 other life-threatening bronchial ailments. "Prescription
8 inhaler" includes metered-dose inhalers, nebulizers, and dry
9 powder inhalers. "Prescription inhaler" does not include
10 inhalers available over the counter without a prescription to
11 provide temporary relief from respiratory symptoms.

12 (b) A group or individual policy of accident and health
13 insurance or managed care plan amended, delivered, issued, or
14 renewed through December 31, 2025 that provides coverage for
15 prescription drugs may not deny or limit coverage for
16 prescription inhalers to enable persons to breathe when
17 suffering from asthma or other life-threatening bronchial
18 ailments based upon any restriction on the number of days
19 before an inhaler refill may be obtained if, contrary to those
20 restrictions, the inhalants have been ordered or prescribed by
21 the treating physician and are medically appropriate.

22 (c) A group or individual policy of accident and health
23 insurance or managed care plan amended, delivered, issued, or
24 renewed on or after January 1, 2026 that provides coverage for
25 prescription drugs may not deny or limit, except as otherwise

1 provided in this subsection, coverage for prescription
2 inhalers to enable persons to breathe when suffering from
3 asthma or other life-threatening bronchial ailments based upon
4 any restriction on the number of days before an inhaler refill
5 may be obtained if, contrary to those restrictions, the
6 inhalants have been ordered or prescribed by the treating
7 physician and are medically appropriate. A group or individual
8 policy of accident and health insurance or managed care plan
9 subject to this subsection shall limit the total amount that a
10 covered person is required to pay for a covered prescription
11 inhaler to an amount not to exceed \$25 per 30-day supply.

12 (d) Nothing in this Section prevents a group or individual
13 policy of accident and health insurance or managed care plan
14 from reducing a covered person's cost sharing to an amount
15 less than the amount specified in subsection (c).

16 (e) Coverage for prescription inhalers shall not be
17 subject to any deductible; except that this provision does not
18 apply to the extent such coverage would disqualify a
19 high-deductible health plan from eligibility for a health
20 savings account pursuant to Section 223 of the Internal
21 Revenue Code (26 U.S.C. 223).

22 (f) The Department may adopt rules necessary to implement
23 and administer this Section and to align with federal
24 requirements. The Department may use any of its enforcement
25 powers to obtain a group or individual policy of accident and
26 health insurance's or managed care plan's compliance with this

1 Section.

2 (Source: P.A. 103-951, eff. 1-1-25; revised 11-22-24.)

3 (215 ILCS 5/356z.14)

4 Sec. 356z.14. Autism spectrum disorders.

5 (a) A group or individual policy of accident and health
6 insurance or managed care plan amended, delivered, issued, or
7 renewed after December 12, 2008 (the effective date of Public
8 Act 95-1005) must provide individuals under 21 years of age
9 coverage for the diagnosis of autism spectrum disorders and
10 for the treatment of autism spectrum disorders to the extent
11 that the diagnosis and treatment of autism spectrum disorders
12 are not already covered by the policy of accident and health
13 insurance or managed care plan.

14 (b) Coverage provided under this Section shall be subject
15 to a maximum benefit of \$36,000 per year, but shall not be
16 subject to any limits on the number of visits to a service
17 provider. ~~The After December 30, 2009, the Director of the~~
18 ~~Division of~~ Insurance shall, on an annual basis, adjust the
19 maximum benefit for inflation using the Medical Care Component
20 of the United States Department of Labor Consumer Price Index
21 for All Urban Consumers. Payments made by an insurer on behalf
22 of a covered individual for any care, treatment, intervention,
23 service, or item, the provision of which was for the treatment
24 of a health condition not diagnosed as an autism spectrum
25 disorder, shall not be applied toward any maximum benefit

1 established under this subsection.

2 (c) Coverage under this Section shall be subject to
3 copayment, deductible, and coinsurance provisions of a policy
4 of accident and health insurance or managed care plan to the
5 extent that other medical services covered by the policy of
6 accident and health insurance or managed care plan are subject
7 to these provisions.

8 (d) This Section shall not be construed as limiting
9 benefits that are otherwise available to an individual under a
10 policy of accident and health insurance or managed care plan
11 and benefits provided under this Section may not be subject to
12 dollar limits, deductibles, copayments, or coinsurance
13 provisions that are less favorable to the insured than the
14 dollar limits, deductibles, or coinsurance provisions that
15 apply to physical illness generally.

16 (e) An insurer may not deny or refuse to provide otherwise
17 covered services, or refuse to renew, refuse to reissue, or
18 otherwise terminate or restrict coverage under an individual
19 contract to provide services to an individual because the
20 individual or the individual's ~~their~~ dependent is diagnosed
21 with an autism spectrum disorder or due to the individual
22 utilizing benefits in this Section.

23 (e-5) An insurer may not deny or refuse to provide
24 otherwise covered services under a group or individual policy
25 of accident and health insurance or a managed care plan solely
26 because of the location wherein the clinically appropriate

1 services are provided.

2 (f) Upon request of the reimbursing insurer, a provider of
3 treatment for autism spectrum disorders shall furnish medical
4 records, clinical notes, or other necessary data that
5 substantiate that initial or continued medical treatment is
6 medically necessary and is resulting in improved clinical
7 status. When treatment is anticipated to require continued
8 services to achieve demonstrable progress, the insurer may
9 request a treatment plan consisting of diagnosis, proposed
10 treatment by type, frequency, anticipated duration of
11 treatment, the anticipated outcomes stated as goals, and the
12 frequency by which the treatment plan will be updated.

13 (g) When making a determination of medical necessity for a
14 treatment modality for autism spectrum disorders, an insurer
15 must make the determination in a manner that is consistent
16 with the manner used to make that determination with respect
17 to other diseases or illnesses covered under the policy,
18 including an appeals process. During the appeals process, any
19 challenge to medical necessity must be viewed as reasonable
20 only if the review includes a physician with expertise in the
21 most current and effective treatment modalities for autism
22 spectrum disorders.

23 (h) Coverage for medically necessary early intervention
24 services must be delivered by certified early intervention
25 specialists, as defined in 89 Ill. Adm. Code 500 and any
26 subsequent amendments thereto.

1 (h-5) If an individual has been diagnosed as having an
2 autism spectrum disorder, meeting the diagnostic criteria in
3 place at the time of diagnosis, and treatment is determined
4 medically necessary, then that individual shall remain
5 eligible for coverage under this Section even if subsequent
6 changes to the diagnostic criteria are adopted by the American
7 Psychiatric Association. If no changes to the diagnostic
8 criteria are adopted after April 1, 2012, and before December
9 31, 2014, then this subsection (h-5) shall be of no further
10 force and effect.

11 (h-10) An insurer may not deny or refuse to provide
12 covered services, or refuse to renew, refuse to reissue, or
13 otherwise terminate or restrict coverage under an individual
14 contract, for a person diagnosed with an autism spectrum
15 disorder on the basis that the individual declined an
16 alternative medication or covered service when the
17 individual's health care provider has determined that such
18 medication or covered service may exacerbate clinical
19 symptomatology and is medically contraindicated for the
20 individual and the individual has requested and received a
21 medical exception as provided for under Section 45.1 of the
22 Managed Care Reform and Patient Rights Act. For the purposes
23 of this subsection (h-10), "clinical symptomatology" means any
24 indication of disorder or disease when experienced by an
25 individual as a change from normal function, sensation, or
26 appearance.

1 (h-15) If, at any time, the Secretary of the United States
2 Department of Health and Human Services, or its successor
3 agency, promulgates rules or regulations to be published in
4 the Federal Register or publishes a comment in the Federal
5 Register or issues an opinion, guidance, or other action that
6 would require the State, pursuant to any provision of the
7 Patient Protection and Affordable Care Act (Public Law
8 111-148), including, but not limited to, 42 U.S.C.
9 18031(d)(3)(B) or any successor provision, to defray the cost
10 of any coverage outlined in subsection (h-10), then subsection
11 (h-10) is inoperative with respect to all coverage outlined in
12 subsection (h-10) other than that authorized under Section
13 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State
14 shall not assume any obligation for the cost of the coverage
15 set forth in subsection (h-10).

16 (i) As used in this Section:

17 "Autism spectrum disorders" means pervasive developmental
18 disorders as defined in the most recent edition of the
19 Diagnostic and Statistical Manual of Mental Disorders,
20 including autism, Asperger's disorder, and pervasive
21 developmental disorder not otherwise specified.

22 "Diagnosis of autism spectrum disorders" means one or more
23 tests, evaluations, or assessments to diagnose whether an
24 individual has autism spectrum disorder that is prescribed,
25 performed, or ordered by (A) a physician licensed to practice
26 medicine in all its branches or (B) a licensed clinical

1 psychologist with expertise in diagnosing autism spectrum
2 disorders.

3 "Medically necessary" means any care, treatment,
4 intervention, service, or item which will or is reasonably
5 expected to do any of the following: (i) prevent the onset of
6 an illness, condition, injury, disease, or disability; (ii)
7 reduce or ameliorate the physical, mental, or developmental
8 effects of an illness, condition, injury, disease, or
9 disability; or (iii) assist to achieve or maintain maximum
10 functional activity in performing daily activities.

11 "Treatment for autism spectrum disorders" shall include
12 the following care prescribed, provided, or ordered for an
13 individual diagnosed with an autism spectrum disorder by (A) a
14 physician licensed to practice medicine in all its branches or
15 (B) a certified, registered, or licensed health care
16 professional with expertise in treating effects of autism
17 spectrum disorders when the care is determined to be medically
18 necessary and ordered by a physician licensed to practice
19 medicine in all its branches:

20 (1) Psychiatric care, meaning direct, consultative, or
21 diagnostic services provided by a licensed psychiatrist.

22 (2) Psychological care, meaning direct or consultative
23 services provided by a licensed psychologist.

24 (3) Habilitative or rehabilitative care, meaning
25 professional, counseling, and guidance services and
26 treatment programs, including applied behavior analysis,

1 that are intended to develop, maintain, and restore the
2 functioning of an individual. As used in this subsection
3 (i), "applied behavior analysis" means the design,
4 implementation, and evaluation of environmental
5 modifications using behavioral stimuli and consequences to
6 produce socially significant improvement in human
7 behavior, including the use of direct observation,
8 measurement, and functional analysis of the relations
9 between environment and behavior.

10 (4) Therapeutic care, including behavioral, speech,
11 occupational, and physical therapies that provide
12 treatment in the following areas: (i) self care and
13 feeding, (ii) pragmatic, receptive, and expressive
14 language, (iii) cognitive functioning, (iv) applied
15 behavior analysis, intervention, and modification, (v)
16 motor planning, and (vi) sensory processing.

17 (j) Rulemaking authority to implement this amendatory Act
18 of the 95th General Assembly, if any, is conditioned on the
19 rules being adopted in accordance with all provisions of the
20 Illinois Administrative Procedure Act and all rules and
21 procedures of the Joint Committee on Administrative Rules; any
22 purported rule not so adopted, for whatever reason, is
23 unauthorized.

24 (Source: P.A. 102-322, eff. 1-1-22; 103-154, eff. 6-30-23;
25 revised 7-23-24.)

(215 ILCS 5/356z.25)

Sec. 356z.25. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome. A group or individual policy of accident and health insurance or managed care plan that is amended, delivered, issued, or renewed after July 18, 2017 (the effective date of Public Act 100-24) shall provide coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome, including, but not limited to, the use of intravenous immunoglobulin therapy.

No group or individual policy of accident and health insurance or managed care plan shall deny or delay coverage for medically necessary treatment under this Section solely because the insured, enrollee, or beneficiary previously received any treatment, including the same or similar treatment, for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections or pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome, or because the insured, enrollee, or beneficiary has been diagnosed with or receives treatment for an otherwise diagnosed condition.

For the purposes of this Section, coverage of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset ~~acute-onset~~

1 neuropsychiatric syndrome shall adhere to the treatment
2 recommendations developed by a medical professional consortium
3 convened for the purposes of researching, identifying, and
4 publishing best practice standards for diagnosis and treatment
5 of such disorders or syndrome that are accessible for medical
6 professionals and are based on evidence of positive patient
7 outcomes. Coverage for any form of medically necessary
8 treatment shall not be limited over a lifetime of an insured,
9 enrollee, or beneficiary, unless the patient is no longer
10 benefiting from the treatment, or by policy period. Nothing in
11 this Section prevents insurers from requesting treatment notes
12 and anticipated duration of treatment and outcomes.

13 For billing and diagnosis purposes, pediatric autoimmune
14 neuropsychiatric disorders associated with streptococcal
15 infections and pediatric acute-onset ~~acute-onset~~
16 neuropsychiatric syndrome shall be coded as autoimmune
17 encephalitis until the American Medical Association and the
18 Centers for Medicare and Medicaid Services create and assign a
19 specific code for pediatric autoimmune neuropsychiatric
20 disorders associated with streptococcal infections and
21 pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome.
22 Thereafter, pediatric autoimmune neuropsychiatric disorders
23 associated with streptococcal infections and pediatric
24 acute-onset ~~acute-onset~~ neuropsychiatric syndrome may be coded
25 as autoimmune encephalitis, pediatric autoimmune
26 neuropsychiatric disorders associated with streptococcal

1 infections, or pediatric acute-onset ~~acute-onset~~
2 neuropsychiatric syndrome.

3 If, at any time, the Secretary of the United States
4 Department of Health and Human Services, or its successor
5 agency, promulgates rules or regulations to be published in
6 the Federal Register or publishes a comment in the Federal
7 Register or issues an opinion, guidance, or other action that
8 would require the State, pursuant to any provision of the
9 Patient Protection and Affordable Care Act (Public Law
10 111-148), including, but not limited to, 42 U.S.C.
11 18031(d)(3)(B) or any successor provision, to defray the cost
12 of any coverage for pediatric autoimmune neuropsychiatric
13 disorders associated with streptococcal infections and
14 pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome
15 outlined in this Section, then the requirement that an insurer
16 cover pediatric autoimmune neuropsychiatric disorders
17 associated with streptococcal infections and pediatric
18 acute-onset ~~acute-onset~~ neuropsychiatric syndrome is
19 inoperative other than any such coverage authorized under
20 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
21 the State shall not assume any obligation for the cost of
22 coverage for pediatric autoimmune neuropsychiatric disorders
23 associated with streptococcal infections and pediatric
24 acute-onset ~~acute-onset~~ neuropsychiatric syndrome.

25 (Source: P.A. 103-59, eff. 6-9-23; revised 10-23-24.)

1 (215 ILCS 5/356z.40)

2 (Text of Section before amendment by P.A. 103-701 and
3 103-720)

4 Sec. 356z.40. Pregnancy and postpartum coverage.

5 (a) An individual or group policy of accident and health
6 insurance or managed care plan amended, delivered, issued, or
7 renewed on or after October 8, 2021 (the effective date of
8 Public Act 102-665) ~~this amendatory Act of the 102nd General~~
9 ~~Assembly~~ shall provide coverage for pregnancy and newborn care
10 in accordance with 42 U.S.C. 18022(b) regarding essential
11 health benefits.

12 (b) Benefits under this Section shall be as follows:

13 (1) An individual who has been identified as
14 experiencing a high-risk pregnancy by the individual's
15 treating provider shall have access to clinically
16 appropriate case management programs. As used in this
17 subsection, "case management" means a mechanism to
18 coordinate and assure continuity of services, including,
19 but not limited to, health services, social services, and
20 educational services necessary for the individual. "Case
21 management" involves individualized assessment of needs,
22 planning of services, referral, monitoring, and advocacy
23 to assist an individual in gaining access to appropriate
24 services and closure when services are no longer required.
25 "Case management" is an active and collaborative process
26 involving a single qualified case manager, the individual,

1 the individual's family, the providers, and the community.
2 This includes close coordination and involvement with all
3 service providers in the management plan for that
4 individual or family, including assuring that the
5 individual receives the services. As used in this
6 subsection, "high-risk pregnancy" means a pregnancy in
7 which the pregnant or postpartum individual or baby is at
8 an increased risk for poor health or complications during
9 pregnancy or childbirth, including, but not limited to,
10 hypertension disorders, gestational diabetes, and
11 hemorrhage.

12 (2) An individual shall have access to medically
13 necessary treatment of a mental, emotional, nervous, or
14 substance use disorder or condition consistent with the
15 requirements set forth in this Section and in Sections
16 370c and 370c.1 of this Code.

17 (3) The benefits provided for inpatient and outpatient
18 services for the treatment of a mental, emotional,
19 nervous, or substance use disorder or condition related to
20 pregnancy or postpartum complications shall be provided if
21 determined to be medically necessary, consistent with the
22 requirements of Sections 370c and 370c.1 of this Code. The
23 facility or provider shall notify the insurer of both the
24 admission and the initial treatment plan within 48 hours
25 after admission or initiation of treatment. Subject to the
26 requirements of Sections 370c and 370c.1 of this Code,

1 nothing in this paragraph shall prevent an insurer from
2 applying concurrent and post-service utilization review of
3 health care services, including review of medical
4 necessity, case management, experimental and
5 investigational treatments, managed care provisions, and
6 other terms and conditions of the insurance policy.

7 (4) The benefits for the first 48 hours of initiation
8 of services for an inpatient admission, detoxification or
9 withdrawal management program, or partial hospitalization
10 admission for the treatment of a mental, emotional,
11 nervous, or substance use disorder or condition related to
12 pregnancy or postpartum complications shall be provided
13 without post-service or concurrent review of medical
14 necessity, as the medical necessity for the first 48 hours
15 of such services shall be determined solely by the covered
16 pregnant or postpartum individual's provider. Subject to
17 Sections ~~Section~~ 370c and 370c.1 of this Code, nothing in
18 this paragraph shall prevent an insurer from applying
19 concurrent and post-service utilization review, including
20 the review of medical necessity, case management,
21 experimental and investigational treatments, managed care
22 provisions, and other terms and conditions of the
23 insurance policy, of any inpatient admission,
24 detoxification or withdrawal management program admission,
25 or partial hospitalization admission services for the
26 treatment of a mental, emotional, nervous, or substance

1 use disorder or condition related to pregnancy or
2 postpartum complications received 48 hours after the
3 initiation of such services. If an insurer determines that
4 the services are no longer medically necessary, then the
5 covered person shall have the right to external review
6 pursuant to the requirements of the Health Carrier
7 External Review Act.

8 (5) If an insurer determines that continued inpatient
9 care, detoxification or withdrawal management, partial
10 hospitalization, intensive outpatient treatment, or
11 outpatient treatment in a facility is no longer medically
12 necessary, the insurer shall, within 24 hours, provide
13 written notice to the covered pregnant or postpartum
14 individual and the covered pregnant or postpartum
15 individual's provider of its decision and the right to
16 file an expedited internal appeal of the determination.
17 The insurer shall review and make a determination with
18 respect to the internal appeal within 24 hours and
19 communicate such determination to the covered pregnant or
20 postpartum individual and the covered pregnant or
21 postpartum individual's provider. If the determination is
22 to uphold the denial, the covered pregnant or postpartum
23 individual and the covered pregnant or postpartum
24 individual's provider have the right to file an expedited
25 external appeal. An independent review organization shall
26 make a determination within 72 hours. If the insurer's

1 determination is upheld and it is determined that
2 continued inpatient care, detoxification or withdrawal
3 management, partial hospitalization, intensive outpatient
4 treatment, or outpatient treatment is not medically
5 necessary, the insurer shall remain responsible for
6 providing benefits for the inpatient care, detoxification
7 or withdrawal management, partial hospitalization,
8 intensive outpatient treatment, or outpatient treatment
9 through the day following the date the determination is
10 made, and the covered pregnant or postpartum individual
11 shall only be responsible for any applicable copayment,
12 deductible, and coinsurance for the stay through that date
13 as applicable under the policy. The covered pregnant or
14 postpartum individual shall not be discharged or released
15 from the inpatient facility, detoxification or withdrawal
16 management, partial hospitalization, intensive outpatient
17 treatment, or outpatient treatment until all internal
18 appeals and independent utilization review organization
19 appeals are exhausted. A decision to reverse an adverse
20 determination shall comply with the Health Carrier
21 External Review Act.

22 (6) Except as otherwise stated in this subsection (b),
23 the benefits and cost-sharing shall be provided to the
24 same extent as for any other medical condition covered
25 under the policy.

26 (7) The benefits required by paragraphs (2) and (6) of

1 this subsection (b) are to be provided to all covered
2 pregnant or postpartum individuals with a diagnosis of a
3 mental, emotional, nervous, or substance use disorder or
4 condition. The presence of additional related or unrelated
5 diagnoses shall not be a basis to reduce or deny the
6 benefits required by this subsection (b).

7 (Source: P.A. 102-665, eff. 10-8-21; 103-650, eff. 1-1-25;
8 revised 9-10-24.)

9 (Text of Section after amendment by P.A. 103-701 and
10 103-720)

11 Sec. 356z.40. Pregnancy and postpartum coverage.

12 (a) An individual or group policy of accident and health
13 insurance or managed care plan amended, delivered, issued, or
14 renewed on or after October 8, 2021 (the effective date of
15 Public Act 102-665) shall provide coverage for pregnancy and
16 newborn care in accordance with 42 U.S.C. 18022(b) regarding
17 essential health benefits. For policies amended, delivered,
18 issued, or renewed on or after January 1, 2026, this
19 subsection also applies to coverage for postpartum care.

20 (b) Benefits under this Section shall be as follows:

21 (1) An individual who has been identified as
22 experiencing a high-risk pregnancy by the individual's
23 treating provider shall have access to clinically
24 appropriate case management programs. As used in this
25 subsection, "case management" means a mechanism to

1 coordinate and assure continuity of services, including,
2 but not limited to, health services, social services, and
3 educational services necessary for the individual. "Case
4 management" involves individualized assessment of needs,
5 planning of services, referral, monitoring, and advocacy
6 to assist an individual in gaining access to appropriate
7 services and closure when services are no longer required.
8 "Case management" is an active and collaborative process
9 involving a single qualified case manager, the individual,
10 the individual's family, the providers, and the community.
11 This includes close coordination and involvement with all
12 service providers in the management plan for that
13 individual or family, including assuring that the
14 individual receives the services. As used in this
15 subsection, "high-risk pregnancy" means a pregnancy in
16 which the pregnant or postpartum individual or baby is at
17 an increased risk for poor health or complications during
18 pregnancy or childbirth, including, but not limited to,
19 hypertension disorders, gestational diabetes, and
20 hemorrhage.

21 (2) An individual shall have access to medically
22 necessary treatment of a mental, emotional, nervous, or
23 substance use disorder or condition consistent with the
24 requirements set forth in this Section and in Sections
25 370c and 370c.1 of this Code.

26 (3) The benefits provided for inpatient and outpatient

1 services for the treatment of a mental, emotional,
2 nervous, or substance use disorder or condition related to
3 pregnancy or postpartum complications shall be provided if
4 determined to be medically necessary, consistent with the
5 requirements of Sections 370c and 370c.1 of this Code. The
6 facility or provider shall notify the insurer of both the
7 admission and the initial treatment plan within 48 hours
8 after admission or initiation of treatment. Subject to the
9 requirements of Sections 370c and 370c.1 of this Code,
10 nothing in this paragraph shall prevent an insurer from
11 applying concurrent and post-service utilization review of
12 health care services, including review of medical
13 necessity, case management, experimental and
14 investigational treatments, managed care provisions, and
15 other terms and conditions of the insurance policy.

16 (4) The benefits for the first 48 hours of initiation
17 of services for an inpatient admission, detoxification or
18 withdrawal management program, or partial hospitalization
19 admission for the treatment of a mental, emotional,
20 nervous, or substance use disorder or condition related to
21 pregnancy or postpartum complications shall be provided
22 without post-service or concurrent review of medical
23 necessity, as the medical necessity for the first 48 hours
24 of such services shall be determined solely by the covered
25 pregnant or postpartum individual's provider. Subject to
26 Sections ~~Section~~ 370c and 370c.1 of this Code, nothing in

1 this paragraph shall prevent an insurer from applying
2 concurrent and post-service utilization review, including
3 the review of medical necessity, case management,
4 experimental and investigational treatments, managed care
5 provisions, and other terms and conditions of the
6 insurance policy, of any inpatient admission,
7 detoxification or withdrawal management program admission,
8 or partial hospitalization admission services for the
9 treatment of a mental, emotional, nervous, or substance
10 use disorder or condition related to pregnancy or
11 postpartum complications received 48 hours after the
12 initiation of such services. If an insurer determines that
13 the services are no longer medically necessary, then the
14 covered person shall have the right to external review
15 pursuant to the requirements of the Health Carrier
16 External Review Act.

17 (5) If an insurer determines that continued inpatient
18 care, detoxification or withdrawal management, partial
19 hospitalization, intensive outpatient treatment, or
20 outpatient treatment in a facility is no longer medically
21 necessary, the insurer shall, within 24 hours, provide
22 written notice to the covered pregnant or postpartum
23 individual and the covered pregnant or postpartum
24 individual's provider of its decision and the right to
25 file an expedited internal appeal of the determination.
26 The insurer shall review and make a determination with

1 respect to the internal appeal within 24 hours and
2 communicate such determination to the covered pregnant or
3 postpartum individual and the covered pregnant or
4 postpartum individual's provider. If the determination is
5 to uphold the denial, the covered pregnant or postpartum
6 individual and the covered pregnant or postpartum
7 individual's provider have the right to file an expedited
8 external appeal. An independent review organization shall
9 make a determination within 72 hours. If the insurer's
10 determination is upheld and it is determined that
11 continued inpatient care, detoxification or withdrawal
12 management, partial hospitalization, intensive outpatient
13 treatment, or outpatient treatment is not medically
14 necessary, the insurer shall remain responsible for
15 providing benefits for the inpatient care, detoxification
16 or withdrawal management, partial hospitalization,
17 intensive outpatient treatment, or outpatient treatment
18 through the day following the date the determination is
19 made, and the covered pregnant or postpartum individual
20 shall only be responsible for any applicable copayment,
21 deductible, and coinsurance for the stay through that date
22 as applicable under the policy. The covered pregnant or
23 postpartum individual shall not be discharged or released
24 from the inpatient facility, detoxification or withdrawal
25 management, partial hospitalization, intensive outpatient
26 treatment, or outpatient treatment until all internal

1 appeals and independent utilization review organization
2 appeals are exhausted. A decision to reverse an adverse
3 determination shall comply with the Health Carrier
4 External Review Act.

5 (6) Except as otherwise stated in this subsection (b)
6 and subsection (c), the benefits and cost-sharing shall be
7 provided to the same extent as for any other medical
8 condition covered under the policy.

9 (7) The benefits required by paragraphs (2) and (6) of
10 this subsection (b) are to be provided to (i) all covered
11 pregnant or postpartum individuals with a diagnosis of a
12 mental, emotional, nervous, or substance use disorder or
13 condition and (ii) all individuals who have experienced a
14 miscarriage or stillbirth. The presence of additional
15 related or unrelated diagnoses shall not be a basis to
16 reduce or deny the benefits required by this subsection
17 (b).

18 (8) Insurers shall cover all services for pregnancy,
19 postpartum, and newborn care that are rendered by
20 perinatal doulas or licensed certified professional
21 midwives, including home births, home visits, and support
22 during labor, abortion, or miscarriage. Coverage shall
23 include the necessary equipment and medical supplies for a
24 home birth. For home visits by a perinatal doula, not
25 counting any home birth, the policy may limit coverage to
26 16 visits before and 16 visits after a birth, miscarriage,

1 or abortion, provided that the policy shall not be
2 required to cover more than \$8,000 for doula visits for
3 each pregnancy and subsequent postpartum period. As used
4 in this paragraph (8), "perinatal doula" has the meaning
5 given in subsection (a) of Section 5-18.5 of the Illinois
6 Public Aid Code.

7 (9) Coverage for pregnancy, postpartum, and newborn
8 care shall include home visits by lactation consultants
9 and the purchase of breast pumps and breast pump supplies,
10 including such breast pumps, breast pump supplies,
11 breastfeeding supplies, and feeding aids as recommended by
12 the lactation consultant. As used in this paragraph (9),
13 "lactation consultant" means an International
14 Board-Certified Lactation Consultant, a certified
15 lactation specialist with a certification from Lactation
16 Education Consultants, or a certified lactation counselor
17 as defined in subsection (a) of Section 5-18.10 of the
18 Illinois Public Aid Code.

19 (10) Coverage for postpartum services shall apply for
20 all covered services rendered within the first 12 months
21 after the end of pregnancy, subject to any policy
22 limitation on home visits by a perinatal doula allowed
23 under paragraph (8) of this subsection (b). Nothing in
24 this paragraph (10) shall be construed to require a policy
25 to cover services for an individual who is no longer
26 insured or enrolled under the policy. If an individual

1 becomes insured or enrolled under a new policy, the new
2 policy shall cover the individual consistent with the time
3 period and limitations allowed under this paragraph (10).
4 This paragraph (10) is subject to the requirements of
5 Section 25 of the Managed Care Reform and Patient Rights
6 Act, Section 20 of the Network Adequacy and Transparency
7 Act, and 42 U.S.C. 300gg-113.

8 (c) All coverage described in subsection (b), other than
9 health care services for home births, shall be provided
10 without cost-sharing, except that, for mental health services,
11 the cost-sharing prohibition does not apply to inpatient or
12 residential services, and, for substance use disorder
13 services, the cost-sharing prohibition applies only to levels
14 of treatment below and not including Level 3.1 (Clinically
15 Managed Low-Intensity Residential), as established by the
16 American Society for Addiction Medicine. This subsection does
17 not apply to the extent such coverage would disqualify a
18 high-deductible health plan from eligibility for a health
19 savings account pursuant to Section 223 of the Internal
20 Revenue Code.

21 (Source: P.A. 102-665, eff. 10-8-21; 103-650, eff. 1-1-25;
22 103-701, eff. 1-1-26; 103-720, eff. 1-1-26; revised 11-26-24.)

23 (215 ILCS 5/356z.61)

24 Sec. 356z.61. Coverage for liver disease screening. A
25 group or individual policy of accident and health insurance or

1 a managed care plan that is amended, delivered, issued, or
2 renewed on or after January 1, 2025 shall provide coverage for
3 preventative liver disease screenings for individuals 35 years
4 of age or older and under the age of 65 at high risk for liver
5 disease, including liver ultrasounds and alpha-fetoprotein
6 blood tests every 6 months, without imposing a deductible,
7 coinsurance, copayment, or any other cost-sharing requirement
8 on the coverage provided; except that this Section does not
9 apply to coverage of liver disease screenings to the extent
10 such coverage would disqualify a high-deductible health plan
11 from eligibility for a health savings account pursuant to
12 Section 223 of the Internal Revenue Code.

13 (Source: P.A. 103-84, eff. 1-1-24; 103-605, eff. 7-1-24.)

14 (215 ILCS 5/356z.71)

15 Sec. 356z.71. Coverage for mobile integrated health care
16 services.

17 (a) In this Section:

18 "Eligible recipient" means an individual who has received
19 hospital emergency department services 3 or more times in a
20 period of 4 consecutive months in the past 12 months or an
21 individual who has been identified by a health care provider
22 as an individual for whom mobile integrated health care
23 services would likely prevent admission or readmission to or
24 would allow discharge from a hospital, behavioral health
25 facility, acute care facility, or nursing facility.

1 "Mobile integrated health care services" means medically
2 necessary health services provided on-site by emergency
3 medical services personnel, as defined in Section 5 of the
4 Emergency Medical Services (EMS) Systems Act.

5 "Mobile integrated health care services" includes health
6 assessment, chronic disease monitoring and education,
7 medication compliance, immunizations and vaccinations,
8 laboratory specimen collection, hospital discharge follow-up
9 care, and minor medical procedures as approved by the
10 applicable EMS Medical Director.

11 "Mobile integrated health care services" does not include
12 nonemergency ambulance transport.

13 (b) A group or individual policy of accident and health
14 insurance or a managed care plan that is amended, delivered,
15 issued, or renewed on or after January 1, 2026, shall provide
16 coverage to an eligible recipient for medically necessary
17 mobile integrated health care services.

18 (Source: P.A. 103-1024, eff. 1-1-25.)

19 (215 ILCS 5/356z.72)

20 Sec. 356z.72 ~~356z.61~~. Wigs and hair prostheses. A group or
21 individual plan of accident and health insurance or managed
22 care plan amended, delivered, issued, or renewed after January
23 1, 2026 must provide coverage, no less than once every 12
24 months, for one wig or other scalp prosthesis worn for hair
25 loss caused by alopecia, chemotherapy, or radiation treatment

1 for cancer or other conditions.

2 (Source: P.A. 103-753, eff. 8-2-24; revised 9-25-24.)

3 (215 ILCS 5/356z.73)

4 Sec. 356z.73 ~~356z.71~~. Insurance coverage for dependent
5 parents.

6 (a) A group or individual policy of accident and health
7 insurance issued, amended, delivered, or renewed after January
8 1, 2026 that provides dependent coverage shall make that
9 dependent coverage available to the parent or stepparent of
10 the insured if the parent or stepparent meets the definition
11 of a qualifying relative under 26 U.S.C. 152(d) and lives or
12 resides within the accident and health insurance policy's
13 service area.

14 (b) This Section does not apply to specialized health care
15 service plans, Medicare supplement insurance, hospital-only
16 policies, accident-only policies, or specified disease
17 insurance policies that reimburse for hospital, medical, or
18 surgical expenses.

19 (Source: P.A. 103-700, eff. 1-1-25; revised 12-3-24.)

20 (215 ILCS 5/356z.74)

21 Sec. 356z.74 ~~356z.71~~. Coverage for annual menopause health
22 visit. A group or individual policy of accident and health
23 insurance providing coverage for more than 25 employees that
24 is amended, delivered, issued, or renewed on or after January

1 1, 2026 shall provide, for individuals 45 years of age and
2 older, coverage for an annual menopause health visit. A policy
3 subject to this Section shall not impose a deductible,
4 coinsurance, copayment, or any other cost-sharing requirement
5 on the coverage provided; except that this Section does not
6 apply to this coverage to the extent such coverage would
7 disqualify a high-deductible health plan from eligibility for
8 a health savings account pursuant to Section 223 of the
9 Internal Revenue Code.

10 (Source: P.A. 103-751, eff. 8-2-24; revised 9-25-24.)

11 (215 ILCS 5/356z.75)

12 Sec. 356z.75 ~~356z.71~~. Coverage during a generic drug
13 shortage.

14 (a) As used in this Section:

15 "Eligible prescription drug" means a prescription drug
16 approved under 21 U.S.C. 355(c) that is not under patent.

17 "Generic drug" means a drug that is approved pursuant to
18 an application referencing an eligible prescription drug that
19 is submitted under subsection (j) of Section 505 of the
20 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355(j).

21 "Unavailable" means being listed as Currently in Shortage
22 or as a Discontinuation in the United States Food and Drug
23 Administration's Drug Shortages Database. "Unavailable" does
24 not include being listed as a Resolved Shortage in the United
25 States Food and Drug Administration's Drug Shortages Database.

1 (b) If a generic drug or a therapeutic equivalent is
2 unavailable due to a supply issue and dosage cannot be
3 adjusted, a group or individual policy of accident and health
4 insurance or a managed care plan that is amended, delivered,
5 issued, or renewed after January 1, 2026 shall provide
6 coverage for a brand name eligible prescription drug until
7 supply of the generic drug or a therapeutic equivalent is
8 available.

9 (Source: P.A. 103-758, eff. 1-1-25; revised 12-3-24.)

10 (215 ILCS 5/356z.76)

11 Sec. 356z.76 ~~356z.71~~. Coverage for at-home pregnancy
12 tests. A group or individual policy of accident and health
13 insurance or a managed care plan that is amended, delivered,
14 issued, or renewed on or after January 1, 2026 shall provide
15 coverage for at-home, urine-based pregnancy tests that are
16 prescribed to the covered person, regardless of whether the
17 tests are otherwise available over-the-counter. The coverage
18 required under this Section is limited to 2 at-home,
19 urine-based pregnancy tests every 30 days.

20 (Source: P.A. 103-870, eff. 1-1-25; revised 12-3-24.)

21 (215 ILCS 5/356z.77)

22 Sec. 356z.77 ~~356z.71~~. Coverage of vaccination
23 administration fees.

24 (a) A group or individual policy of accident and health

1 insurance or a managed care plan that is amended, delivered,
2 issued, or renewed on or after January 1, 2026 shall provide
3 coverage for vaccinations for COVID-19, influenza, and
4 respiratory syncytial virus, including the administration of
5 the vaccine by a pharmacist or health care provider authorized
6 to administer such a vaccine, without imposing a deductible,
7 coinsurance, copayment, or any other cost-sharing requirement,
8 if the following conditions are met:

9 (1) the vaccine is authorized or licensed by the
10 United States Food and Drug Administration; and

11 (2) the vaccine is ordered and administered according
12 to the Advisory Committee on Immunization Practices
13 standard immunization schedule.

14 (b) If the vaccinations provided for in subsection (a) are
15 not otherwise available to be administered by a contracted
16 pharmacist or health care provider, the group or individual
17 policy of accident and health insurance or a managed care plan
18 shall cover the vaccination, including administration fees,
19 without imposing a deductible, coinsurance, copayment, or any
20 other cost-sharing requirement.

21 (c) The coverage required in this Section does not apply
22 to the extent that the coverage would disqualify a
23 high-deductible health plan from eligibility for a health
24 savings account pursuant to Section 223 of the Internal
25 Revenue Code of 1986.

26 (Source: P.A. 103-918, eff. 1-1-25; revised 12-3-24.)

1 (215 ILCS 5/356z.78)

2 Sec. 356z.78 ~~356z.71~~. Coverage for medically necessary
3 care and treatment to address a major injury to the jaw either
4 through an accident or disease.

5 (a) In this Section, "medically necessary care and
6 treatment to address a major injury to the jaw either through
7 an accident or disease" includes:

8 (1) oral and facial surgery, including reconstructive
9 services and procedures necessary to improve, restore, or
10 maintain vital functions;

11 (2) dental implants, crowns, or bridges;

12 (3) prosthetic treatment such as obturators, speech
13 appliances, and feeding appliances;

14 (4) orthodontic treatment and management;

15 (5) prosthodontic treatment and management; and

16 (6) otolaryngology treatment and management.

17 (b) An individual or group policy of accident and health
18 insurance amended, delivered, issued, or renewed on or after
19 January 1, 2026 shall provide coverage for medically necessary
20 care and treatment to address a major injury to the jaw either
21 through an accident or disease. Coverage under this Section
22 may impose the same deductibles, coinsurance, or other
23 cost-sharing limitations that are imposed on other related
24 benefits under the policy.

25 (Source: P.A. 103-972, eff. 1-1-25; revised 12-3-24.)

1 (215 ILCS 5/363)

2 (Text of Section before amendment by P.A. 103-747)

3 Sec. 363. Medicare supplement policies; minimum standards.

4 (1) Except as otherwise specifically provided therein,
5 this Section and Section 363a of this Code shall apply to:

6 (a) all Medicare supplement policies and subscriber
7 contracts delivered or issued for delivery in this State
8 on and after January 1, 1989; and

9 (b) all certificates issued under group Medicare
10 supplement policies or subscriber contracts, which
11 certificates are issued or issued for delivery in this
12 State on and after January 1, 1989.

13 This Section shall not apply to "Accident Only" or
14 "Specified Disease" types of policies. The provisions of this
15 Section are not intended to prohibit or apply to policies or
16 health care benefit plans, including group conversion
17 policies, provided to Medicare eligible persons, which
18 policies or plans are not marketed or purported or held to be
19 Medicare supplement policies or benefit plans.

20 (2) For the purposes of this Section and Section 363a, the
21 following terms have the following meanings:

22 (a) "Applicant" means:

23 (i) in the case of individual Medicare supplement
24 policy, the person who seeks to contract for insurance
25 benefits, and

1 (ii) in the case of a group Medicare policy or
2 subscriber contract, the proposed certificate holder.

3 (b) "Certificate" means any certificate delivered or
4 issued for delivery in this State under a group Medicare
5 supplement policy.

6 (c) "Medicare supplement policy" means an individual
7 policy of accident and health insurance, as defined in
8 paragraph (a) of subsection (2) of Section 355a of this
9 Code, or a group policy or certificate delivered or issued
10 for delivery in this State by an insurer, fraternal
11 benefit society, voluntary health service plan, or health
12 maintenance organization, other than a policy issued
13 pursuant to a contract under Section 1876 of the federal
14 Social Security Act (42 U.S.C. Section 1395 et seq.) or a
15 policy issued under a demonstration project specified in
16 42 U.S.C. Section 1395ss(g)(1), or any similar
17 organization, that is advertised, marketed, or designed
18 primarily as a supplement to reimbursements under Medicare
19 for the hospital, medical, or surgical expenses of persons
20 eligible for Medicare.

21 (d) "Issuer" includes insurance companies, fraternal
22 benefit societies, voluntary health service plans, health
23 maintenance organizations, or any other entity providing
24 Medicare supplement insurance, unless the context clearly
25 indicates otherwise.

26 (e) "Medicare" means the Health Insurance for the Aged

1 Act, Title XVIII of the Social Security Amendments of
2 1965.

3 (3) No Medicare supplement insurance policy, contract, or
4 certificate, that provides benefits that duplicate benefits
5 provided by Medicare, shall be issued or issued for delivery
6 in this State after December 31, 1988. No such policy,
7 contract, or certificate shall provide lesser benefits than
8 those required under this Section or the existing Medicare
9 Supplement Minimum Standards Regulation, except where
10 duplication of Medicare benefits would result.

11 (4) Medicare supplement policies or certificates shall
12 have a notice prominently printed on the first page of the
13 policy or attached thereto stating in substance that the
14 policyholder or certificate holder shall have the right to
15 return the policy or certificate within 30 days of its
16 delivery and to have the premium refunded directly to him or
17 her in a timely manner if, after examination of the policy or
18 certificate, the insured person is not satisfied for any
19 reason.

20 (5) A Medicare supplement policy or certificate may not
21 deny a claim for losses incurred more than 6 months from the
22 effective date of coverage for a preexisting condition. The
23 policy may not define a preexisting condition more
24 restrictively than a condition for which medical advice was
25 given or treatment was recommended by or received from a
26 physician within 6 months before the effective date of

1 coverage.

2 (6) An issuer of a Medicare supplement policy shall:

3 (a) not deny coverage to an applicant under 65 years
4 of age who meets any of the following criteria:

5 (i) becomes eligible for Medicare by reason of
6 disability if the person makes application for a
7 Medicare supplement policy within 6 months of the
8 first day on which the person enrolls for benefits
9 under Medicare Part B; for a person who is
10 retroactively enrolled in Medicare Part B due to a
11 retroactive eligibility decision made by the Social
12 Security Administration, the application must be
13 submitted within a 6-month period beginning with the
14 month in which the person received notice of
15 retroactive eligibility to enroll;

16 (ii) has Medicare and an employer group health
17 plan (either primary or secondary to Medicare) that
18 terminates or ceases to provide all such supplemental
19 health benefits;

20 (iii) is insured by a Medicare Advantage plan that
21 includes a Health Maintenance Organization, a
22 Preferred Provider Organization, and a Private
23 Fee-For-Service or Medicare Select plan and the
24 applicant moves out of the plan's service area; the
25 insurer goes out of business, withdraws from the
26 market, or has its Medicare contract terminated; or

1 the plan violates its contract provisions or is
2 misrepresented in its marketing; or

3 (iv) is insured by a Medicare supplement policy
4 and the insurer goes out of business, withdraws from
5 the market, or the insurance company or agents
6 misrepresent the plan and the applicant is without
7 coverage;

8 (b) make available to persons eligible for Medicare by
9 reason of disability each type of Medicare supplement
10 policy the issuer makes available to persons eligible for
11 Medicare by reason of age;

12 (c) not charge individuals who become eligible for
13 Medicare by reason of disability and who are under the age
14 of 65 premium rates for any medical supplemental insurance
15 benefit plan offered by the issuer that exceed the
16 issuer's highest rate on the current rate schedule filed
17 with the Department ~~Division~~ of Insurance for that plan to
18 individuals who are age 65 or older; and

19 (d) provide the rights granted by items (a) through
20 (d), for 6 months after June 1, 2008 (the effective date of
21 Public Act 95-436) ~~this amendatory Act of the 95th General~~
22 ~~Assembly~~, to any person who had enrolled for benefits
23 under Medicare Part B prior to Public Act 95-436 and ~~this~~
24 ~~amendatory Act of the 95th General Assembly~~ who otherwise
25 would have been eligible for coverage under item (a).

26 (7) The Director shall issue reasonable rules and

1 regulations for the following purposes:

2 (a) To establish specific standards for policy
3 provisions of Medicare policies and certificates. The
4 standards shall be in accordance with the requirements of
5 this Code. No requirement of this Code relating to minimum
6 required policy benefits, other than the minimum standards
7 contained in this Section and Section 363a, shall apply to
8 Medicare supplement policies and certificates. The
9 standards may cover, but are not limited to the following:

10 (A) Terms of renewability.

11 (B) Initial and subsequent terms of eligibility.

12 (C) Non-duplication of coverage.

13 (D) Probationary and elimination periods.

14 (E) Benefit limitations, exceptions and
15 reductions.

16 (F) Requirements for replacement.

17 (G) Recurrent conditions.

18 (H) Definition of terms.

19 (I) Requirements for issuing rebates or credits to
20 policyholders if the policy's loss ratio does not
21 comply with subsection (7) of Section 363a.

22 (J) Uniform methodology for the calculating and
23 reporting of loss ratio information.

24 (K) Assuring public access to loss ratio
25 information of an issuer of Medicare supplement
26 insurance.

1 (L) Establishing a process for approving or
2 disapproving proposed premium increases.

3 (M) Establishing a policy for holding public
4 hearings prior to approval of premium increases.

5 (N) Establishing standards for Medicare Select
6 policies.

7 (O) Prohibited policy provisions not otherwise
8 specifically authorized by statute that, in the
9 opinion of the Director, are unjust, unfair, or
10 unfairly discriminatory to any person insured or
11 proposed for coverage under a Medicare ~~medicare~~
12 supplement policy or certificate.

13 (b) To establish minimum standards for benefits and
14 claims payments, marketing practices, compensation
15 arrangements, and reporting practices for Medicare
16 supplement policies.

17 (c) To implement transitional requirements of Medicare
18 supplement insurance benefits and premiums of Medicare
19 supplement policies and certificates to conform to
20 Medicare program revisions.

21 (8) If an individual is at least 65 years of age but no
22 more than 75 years of age and has an existing Medicare
23 supplement policy, the individual is entitled to an annual
24 open enrollment period lasting 45 days, commencing with the
25 individual's birthday, and the individual may purchase any
26 Medicare supplement policy with the same issuer that offers

1 benefits equal to or lesser than those provided by the
2 previous coverage. During this open enrollment period, an
3 issuer of a Medicare supplement policy shall not deny or
4 condition the issuance or effectiveness of Medicare
5 supplemental coverage, nor discriminate in the pricing of
6 coverage, because of health status, claims experience, receipt
7 of health care, or a medical condition of the individual. An
8 issuer shall provide notice of this annual open enrollment
9 period for eligible Medicare supplement policyholders at the
10 time that the application is made for a Medicare supplement
11 policy or certificate. The notice shall be in a form that may
12 be prescribed by the Department.

13 (9) Without limiting an individual's eligibility under
14 Department rules implementing 42 U.S.C. 1395ss(s)(2)(A), for
15 at least 63 days after the later of the applicant's loss of
16 benefits or the notice of termination of benefits, including a
17 notice of claim denial due to termination of benefits, under
18 the State's medical assistance program under Article V of the
19 Illinois Public Aid Code, an issuer shall not deny or
20 condition the issuance or effectiveness of any Medicare
21 supplement policy or certificate that is offered and is
22 available for issuance to new enrollees by the issuer; shall
23 not discriminate in the pricing of such a Medicare supplement
24 policy because of health status, claims experience, receipt of
25 health care, or medical condition; and shall not include a
26 policy provision that imposes an exclusion of benefits based

1 on a preexisting condition under such a Medicare supplement
2 policy if the individual:

3 (a) is enrolled for Medicare Part B;

4 (b) was enrolled in the State's medical assistance
5 program during the COVID-19 Public Health Emergency
6 described in Section 5-1.5 of the Illinois Public Aid
7 Code;

8 (c) was terminated or disenrolled from the State's
9 medical assistance program after the COVID-19 Public
10 Health Emergency and the later of the date of termination
11 of benefits or the date of the notice of termination,
12 including a notice of a claim denial due to termination,
13 occurred on, after, or no more than 63 days before the end
14 of either, as applicable:

15 (A) the individual's Medicare supplement open
16 enrollment period described in Department rules
17 implementing 42 U.S.C. 1395ss(s) (2) (A); or

18 (B) the 6-month period described in Section
19 363(6) (a) (i) of this Code; and

20 (d) submits evidence of the date of termination of
21 benefits or notice of termination under the State's
22 medical assistance program with the application for a
23 Medicare supplement policy or certificate.

24 (10) Each Medicare supplement policy and certificate
25 available from an insurer on and after June 16, 2023 (the
26 effective date of Public Act 103-102) ~~this amendatory Act of~~

1 ~~the 103rd General Assembly~~ shall be made available to all
2 applicants who qualify under subparagraph (i) of paragraph (a)
3 of subsection (6) or Department rules implementing 42 U.S.C.
4 1395ss(s) (2) (A) without regard to age or applicability of a
5 Medicare Part B late enrollment penalty.

6 (Source: P.A. 102-142, eff. 1-1-22; 103-102, eff. 6-16-23;
7 revised 10-24-24.)

8 (Text of Section after amendment by P.A. 103-747)

9 Sec. 363. Medicare supplement policies; minimum standards.

10 (1) Except as otherwise specifically provided therein,
11 this Section and Section 363a of this Code shall apply to:

12 (a) all Medicare supplement policies and subscriber
13 contracts delivered or issued for delivery in this State
14 on and after January 1, 1989; and

15 (b) all certificates issued under group Medicare
16 supplement policies or subscriber contracts, which
17 certificates are issued or issued for delivery in this
18 State on and after January 1, 1989.

19 This Section shall not apply to "Accident Only" or
20 "Specified Disease" types of policies. The provisions of this
21 Section are not intended to prohibit or apply to policies or
22 health care benefit plans, including group conversion
23 policies, provided to Medicare eligible persons, which
24 policies or plans are not marketed or purported or held to be
25 Medicare supplement policies or benefit plans.

1 (2) For the purposes of this Section and Section 363a, the
2 following terms have the following meanings:

3 (a) "Applicant" means:

4 (i) in the case of individual Medicare supplement
5 policy, the person who seeks to contract for insurance
6 benefits, and

7 (ii) in the case of a group Medicare policy or
8 subscriber contract, the proposed certificate holder.

9 (b) "Certificate" means any certificate delivered or
10 issued for delivery in this State under a group Medicare
11 supplement policy.

12 (c) "Medicare supplement policy" means an individual
13 policy of accident and health insurance, as defined in
14 paragraph (a) of subsection (2) of Section 355a of this
15 Code, or a group policy or certificate delivered or issued
16 for delivery in this State by an insurer, fraternal
17 benefit society, voluntary health service plan, or health
18 maintenance organization, other than a policy issued
19 pursuant to a contract under Section 1876 of the federal
20 Social Security Act (42 U.S.C. Section 1395 et seq.) or a
21 policy issued under a demonstration project specified in
22 42 U.S.C. Section 1395ss(g)(1), or any similar
23 organization, that is advertised, marketed, or designed
24 primarily as a supplement to reimbursements under Medicare
25 for the hospital, medical, or surgical expenses of persons
26 eligible for Medicare.

1 (d) "Issuer" includes insurance companies, fraternal
2 benefit societies, voluntary health service plans, health
3 maintenance organizations, or any other entity providing
4 Medicare supplement insurance, unless the context clearly
5 indicates otherwise.

6 (e) "Medicare" means the Health Insurance for the Aged
7 Act, Title XVIII of the Social Security Amendments of
8 1965.

9 (3) No Medicare supplement insurance policy, contract, or
10 certificate, that provides benefits that duplicate benefits
11 provided by Medicare, shall be issued or issued for delivery
12 in this State after December 31, 1988. No such policy,
13 contract, or certificate shall provide lesser benefits than
14 those required under this Section or the existing Medicare
15 Supplement Minimum Standards Regulation, except where
16 duplication of Medicare benefits would result.

17 (4) Medicare supplement policies or certificates shall
18 have a notice prominently printed on the first page of the
19 policy or attached thereto stating in substance that the
20 policyholder or certificate holder shall have the right to
21 return the policy or certificate within 30 days of its
22 delivery and to have the premium refunded directly to him or
23 her in a timely manner if, after examination of the policy or
24 certificate, the insured person is not satisfied for any
25 reason.

26 (5) A Medicare supplement policy or certificate may not

1 deny a claim for losses incurred more than 6 months from the
2 effective date of coverage for a preexisting condition. The
3 policy may not define a preexisting condition more
4 restrictively than a condition for which medical advice was
5 given or treatment was recommended by or received from a
6 physician within 6 months before the effective date of
7 coverage.

8 (6) An issuer of a Medicare supplement policy shall:

9 (a) not deny coverage to an applicant under 65 years
10 of age who meets any of the following criteria:

11 (i) becomes eligible for Medicare by reason of
12 disability if the person makes application for a
13 Medicare supplement policy within 6 months of the
14 first day on which the person enrolls for benefits
15 under Medicare Part B; for a person who is
16 retroactively enrolled in Medicare Part B due to a
17 retroactive eligibility decision made by the Social
18 Security Administration, the application must be
19 submitted within a 6-month period beginning with the
20 month in which the person received notice of
21 retroactive eligibility to enroll;

22 (ii) has Medicare and an employer group health
23 plan (either primary or secondary to Medicare) that
24 terminates or ceases to provide all such supplemental
25 health benefits;

26 (iii) is insured by a Medicare Advantage plan that

1 includes a Health Maintenance Organization, a
2 Preferred Provider Organization, and a Private
3 Fee-For-Service or Medicare Select plan and the
4 applicant moves out of the plan's service area; the
5 insurer goes out of business, withdraws from the
6 market, or has its Medicare contract terminated; or
7 the plan violates its contract provisions or is
8 misrepresented in its marketing; or

9 (iv) is insured by a Medicare supplement policy
10 and the insurer goes out of business, withdraws from
11 the market, or the insurance company or agents
12 misrepresent the plan and the applicant is without
13 coverage;

14 (b) make available to persons eligible for Medicare by
15 reason of disability each type of Medicare supplement
16 policy the issuer makes available to persons eligible for
17 Medicare by reason of age;

18 (c) not charge individuals who become eligible for
19 Medicare by reason of disability and who are under the age
20 of 65 premium rates for any medical supplemental insurance
21 benefit plan offered by the issuer that exceed the
22 issuer's highest rate on the current rate schedule filed
23 with the Department ~~Division~~ of Insurance for that plan to
24 individuals who are age 65 or older; and

25 (d) provide the rights granted by items (a) through
26 (d), for 6 months after June 1, 2008 (the effective date of

1 Public Act 95-436) ~~this amendatory Act of the 95th General~~
2 ~~Assembly,~~ to any person who had enrolled for benefits
3 under Medicare Part B prior to Public Act 95-436 and this
4 ~~amendatory Act of the 95th General Assembly~~ who otherwise
5 would have been eligible for coverage under item (a).

6 (7) The Director shall issue reasonable rules and
7 regulations for the following purposes:

8 (a) To establish specific standards for policy
9 provisions of Medicare policies and certificates. The
10 standards shall be in accordance with the requirements of
11 this Code. No requirement of this Code relating to minimum
12 required policy benefits, other than the minimum standards
13 contained in this Section and Section 363a, shall apply to
14 Medicare supplement policies and certificates. The
15 standards may cover, but are not limited to the following:

16 (A) Terms of renewability.

17 (B) Initial and subsequent terms of eligibility.

18 (C) Non-duplication of coverage.

19 (D) Probationary and elimination periods.

20 (E) Benefit limitations, exceptions and
21 reductions.

22 (F) Requirements for replacement.

23 (G) Recurrent conditions.

24 (H) Definition of terms.

25 (I) Requirements for issuing rebates or credits to
26 policyholders if the policy's loss ratio does not

1 comply with subsection (7) of Section 363a.

2 (J) Uniform methodology for the calculating and
3 reporting of loss ratio information.

4 (K) Assuring public access to loss ratio
5 information of an issuer of Medicare supplement
6 insurance.

7 (L) Establishing a process for approving or
8 disapproving proposed premium increases.

9 (M) Establishing a policy for holding public
10 hearings prior to approval of premium increases.

11 (N) Establishing standards for Medicare Select
12 policies.

13 (O) Prohibited policy provisions not otherwise
14 specifically authorized by statute that, in the
15 opinion of the Director, are unjust, unfair, or
16 unfairly discriminatory to any person insured or
17 proposed for coverage under a Medicare ~~medicare~~
18 supplement policy or certificate.

19 (b) To establish minimum standards for benefits and
20 claims payments, marketing practices, compensation
21 arrangements, and reporting practices for Medicare
22 supplement policies.

23 (c) To implement transitional requirements of Medicare
24 supplement insurance benefits and premiums of Medicare
25 supplement policies and certificates to conform to
26 Medicare program revisions.

1 (8) If an individual is at least 65 years of age but no
2 more than 75 years of age and has an existing Medicare
3 supplement policy, the individual is entitled to an annual
4 open enrollment period lasting 45 days, commencing with the
5 individual's birthday, and the individual may purchase any
6 Medicare supplement policy with the same issuer or any
7 affiliate authorized to transact business in this State that
8 offers benefits equal to or lesser than those provided by the
9 previous coverage. During this open enrollment period, an
10 issuer of a Medicare supplement policy shall not deny or
11 condition the issuance or effectiveness of Medicare
12 supplemental coverage, nor discriminate in the pricing of
13 coverage, because of health status, claims experience, receipt
14 of health care, or a medical condition of the individual. An
15 issuer shall provide notice of this annual open enrollment
16 period for eligible Medicare supplement policyholders at the
17 time that the application is made for a Medicare supplement
18 policy or certificate. The notice shall be in a form that may
19 be prescribed by the Department.

20 (9) Without limiting an individual's eligibility under
21 Department rules implementing 42 U.S.C. 1395ss(s)(2)(A), for
22 at least 63 days after the later of the applicant's loss of
23 benefits or the notice of termination of benefits, including a
24 notice of claim denial due to termination of benefits, under
25 the State's medical assistance program under Article V of the
26 Illinois Public Aid Code, an issuer shall not deny or

1 condition the issuance or effectiveness of any Medicare
2 supplement policy or certificate that is offered and is
3 available for issuance to new enrollees by the issuer; shall
4 not discriminate in the pricing of such a Medicare supplement
5 policy because of health status, claims experience, receipt of
6 health care, or medical condition; and shall not include a
7 policy provision that imposes an exclusion of benefits based
8 on a preexisting condition under such a Medicare supplement
9 policy if the individual:

10 (a) is enrolled for Medicare Part B;

11 (b) was enrolled in the State's medical assistance
12 program during the COVID-19 Public Health Emergency
13 described in Section 5-1.5 of the Illinois Public Aid
14 Code;

15 (c) was terminated or disenrolled from the State's
16 medical assistance program after the COVID-19 Public
17 Health Emergency and the later of the date of termination
18 of benefits or the date of the notice of termination,
19 including a notice of a claim denial due to termination,
20 occurred on, after, or no more than 63 days before the end
21 of either, as applicable:

22 (A) the individual's Medicare supplement open
23 enrollment period described in Department rules
24 implementing 42 U.S.C. 1395ss(s) (2) (A); or

25 (B) the 6-month period described in Section
26 363(6) (a) (i) of this Code; and

1 (d) submits evidence of the date of termination of
2 benefits or notice of termination under the State's
3 medical assistance program with the application for a
4 Medicare supplement policy or certificate.

5 (10) Each Medicare supplement policy and certificate
6 available from an insurer on and after June 16, 2023 (the
7 effective date of Public Act 103-102) ~~this amendatory Act of~~
8 ~~the 103rd General Assembly~~ shall be made available to all
9 applicants who qualify under subparagraph (i) of paragraph (a)
10 of subsection (6) or Department rules implementing 42 U.S.C.
11 1395ss(s)(2)(A) without regard to age or applicability of a
12 Medicare Part B late enrollment penalty.

13 (Source: P.A. 102-142, eff. 1-1-22; 103-102, eff. 6-16-23;
14 103-747, eff. 1-1-26; revised 10-24-24.)

15 (215 ILCS 5/367a) (from Ch. 73, par. 979a)

16 Sec. 367a. Blanket accident and health insurance.

17 (1) Blanket accident and health insurance is the form of
18 accident and health insurance providing excepted benefits, as
19 defined in Section 352c, that covers special groups of persons
20 as enumerated in one of the following paragraphs (a) to (g),
21 inclusive:

22 (a) Under a policy or contract issued to any carrier
23 for hire, which shall be deemed the policyholder, covering
24 a group defined as all persons who may become passengers
25 on such carrier.

1 (b) Under a policy or contract issued to an employer,
2 who shall be deemed the policyholder, covering all
3 employees or any group of employees defined by reference
4 to exceptional hazards incident to such employment.

5 (c) Under a policy or contract issued to a college,
6 school, or other institution of learning or to the head or
7 principal thereof, who or which shall be deemed the
8 policyholder, covering students or teachers. However,
9 student health insurance coverage, as defined in 45 CFR
10 147.145, shall remain subject to the standards and
11 requirements for individual health insurance coverage
12 except where inconsistent with that regulation. Student
13 health insurance coverage shall not be subject to the
14 Short-Term, Limited-Duration Health Insurance Coverage
15 Act. An insurer ~~issuer~~ providing student health insurance
16 coverage or a policy or contract covering students for
17 limited-scope dental or vision under 45 CFR 148.220 shall
18 require an individual application or enrollment form and
19 shall furnish each insured individual a certificate, which
20 shall have been approved by the Director under Section
21 355.

22 (d) Under a policy or contract issued in the name of
23 any volunteer fire department, first aid, or other such
24 volunteer group, which shall be deemed the policyholder,
25 covering all of the members of such department or group.

26 (e) Under a policy or contract issued to a creditor,

1 who shall be deemed the policyholder, to insure debtors of
2 the creditors; Provided, however, that in the case of a
3 loan which is subject to the Small Loans Act, no insurance
4 premium or other cost shall be directly or indirectly
5 charged or assessed against, or collected or received from
6 the borrower.

7 (f) Under a policy or contract issued to a sports team
8 or to a camp, which team or camp sponsor shall be deemed
9 the policyholder, covering members or campers.

10 (g) Under a policy or contract issued to any other
11 substantially similar group which, in the discretion of
12 the Director, may be subject to the issuance of a blanket
13 accident and health policy or contract.

14 (2) Any insurance company authorized to write accident and
15 health insurance in this state shall have the power to issue
16 blanket accident and health insurance. No such blanket policy
17 may be issued or delivered in this State unless a copy of the
18 form thereof shall have been filed in accordance with Section
19 355, and it contains in substance such of those provisions
20 contained in Sections 357.1 through 357.30 as may be
21 applicable to blanket accident and health insurance and the
22 following provisions:

23 (a) A provision that the policy and the application
24 shall constitute the entire contract between the parties,
25 and that all statements made by the policyholder shall, in
26 absence of fraud, be deemed representations and not

1 warranties, and that no such statements shall be used in
2 defense to a claim under the policy, unless it is
3 contained in a written application.

4 (b) A provision that to the group or class thereof
5 originally insured shall be added from time to time all
6 new persons or individuals eligible for coverage.

7 (3) An individual application shall not be required from a
8 person covered under a blanket accident or health policy or
9 contract, nor shall it be necessary for the insurer to furnish
10 each person a certificate.

11 (3.5) Subsection (3) does not apply to major medical
12 insurance, or to any excepted benefits or short-term,
13 limited-duration health insurance coverage for which an
14 insured individual pays premiums or contributions. In those
15 cases, the insurer shall require an individual application or
16 enrollment form and shall furnish each insured individual a
17 certificate, which shall have been approved by the Director
18 under Section 355 of this Code.

19 (4) All benefits under any blanket accident and health
20 policy shall be payable to the person insured, or to his
21 designated beneficiary or beneficiaries, or to his or her
22 estate, except that if the person insured be a minor or person
23 under legal disability, such benefits may be made payable to
24 his or her parent, guardian, or other person actually
25 supporting him or her. Provided further, however, that the
26 policy may provide that all or any portion of any indemnities

1 provided by any such policy on account of hospital, nursing,
2 medical or surgical services may, at the insurer's option, be
3 paid directly to the hospital or person rendering such
4 services; but the policy may not require that the service be
5 rendered by a particular hospital or person. Payment so made
6 shall discharge the insurer's obligation with respect to the
7 amount of insurance so paid.

8 (5) Nothing contained in this Section ~~section~~ shall be
9 deemed to affect the legal liability of policyholders for the
10 death of or injury to, any such member of such group.

11 (Source: P.A. 103-649, eff. 1-1-25; 103-718, eff. 1-1-25;
12 revised 11-26-24.)

13 (215 ILCS 5/367f) (from Ch. 73, par. 979f)

14 Sec. 367f. Firefighters' continuance privilege. As used in
15 this Section:

16 1. The terms "municipality", "deferred pensioner" and
17 "creditable service" shall have the meaning ascribed to such
18 terms by Sections 4-103, 4-105a, and 4-108, respectively, of
19 the Illinois Pension Code, ~~as now or hereafter amended~~.

20 2. "Firefighter" means a person who is a "firefighter" as
21 defined in Section 4-106 of the Illinois Pension Code, a
22 paramedic who is employed by a unit of local government, or an
23 emergency medical technician, emergency medical
24 technician-basic, emergency medical technician-intermediate,
25 or advanced emergency medical technician who is employed by a

1 unit of local government.

2 3. The "retirement or disability period" of a firefighter
3 means the period:

4 a. which begins on the day the firefighter is removed
5 from a municipality's fire department payroll because of
6 the occurrence of any of the following events, to wit: (i)
7 the firefighter retires as a deferred pensioner under
8 Section 4-105a of the Illinois Pension Code, (ii) the
9 firefighter retires from active service as a firefighter
10 with an attained age and accumulated creditable service
11 which together qualify the firefighter for immediate
12 receipt of retirement pension benefits under Section 4-109
13 of the Illinois Pension Code, or (iii) the firefighter's
14 disability is established under Section 4-112 of the
15 Illinois Pension Code; and

16 b. which ends on the first to occur of any of the
17 following events, to wit: (i) the firefighter's
18 reinstatement or reentry into active service on the
19 municipality's fire department as provided for under
20 Article 4 of the Illinois Pension Code, (ii) the
21 firefighter's exercise of any refund option available
22 under Section 4-116 of the Illinois Pension Code, (iii)
23 the firefighter's loss pursuant to Section 4-138 of the
24 Illinois Pension Code of any benefits provided for in
25 Article 4 of that Code, or (iv) the firefighter's death or
26 -- if at the time of the firefighter's death the

1 firefighter is survived by a spouse who, in that capacity,
2 is entitled to receive a surviving spouse's monthly
3 pension pursuant to Article 4 of the Illinois Pension Code
4 -- then the death or remarriage of that spouse.

5 No policy of group accident and health insurance under
6 which firefighters employed by a municipality are insured for
7 their individual benefit shall be issued or delivered in this
8 State to any municipality unless such group policy provides
9 for the election of continued group insurance coverage for the
10 retirement or disability period of each firefighter who is
11 insured under the provisions of the group policy on the day
12 immediately preceding the day on which the retirement or
13 disability period of such firefighter begins. So long as any
14 required premiums for continued group insurance coverage are
15 paid in accordance with the provisions of the group policy, an
16 election made pursuant to this Section shall provide continued
17 group insurance coverage for a firefighter throughout the
18 retirement or disability period of the firefighter and, unless
19 the firefighter otherwise elects and subject to any other
20 provisions of the group policy which relate either to the
21 provision or to the termination of dependents' coverage and
22 which are not inconsistent with this Section, for any
23 dependents of the firefighter who are insured under the group
24 policy on the day immediately preceding the day on which the
25 retirement or disability period of the firefighter begins;
26 provided, however, that when such continued group insurance

1 coverage is in effect with respect to a firefighter on the date
2 of the firefighter's death but the retirement or disability
3 period of the firefighter does not end with such firefighter's
4 death, then the deceased firefighter's surviving spouse upon
5 whose death or remarriage such retirement or disability period
6 will end shall be entitled, without further election and upon
7 payment of any required premiums in accordance with the
8 provisions of the group policy, to maintain such continued
9 group insurance coverage in effect until the end of such
10 retirement or disability period. Continued group insurance
11 coverage shall be provided in accordance with this Section at
12 the same premium rate from time to time charged for equivalent
13 coverage provided under the group policy with respect to
14 covered firefighters whose retirement or disability period has
15 not begun, and no distinction or discrimination in the amount
16 or rate of premiums or in any waiver of premium or other
17 benefit provision shall be made between continued group
18 insurance coverage elected pursuant to this Section and
19 equivalent coverage provided to firefighters under the group
20 policy other than pursuant to the provisions of this Section;
21 provided that no municipality shall be required by reason of
22 any provision of this Section to pay any group insurance
23 premium other than one that may be negotiated in a collective
24 bargaining agreement. If a person electing continued coverage
25 under this Section becomes eligible for medicare coverage,
26 benefits under the group policy may continue as a supplement

1 to the medicare coverage upon payment of any required premiums
2 to maintain the benefits of the group policy as supplemental
3 coverage.

4 Within 15 days of the beginning of the retirement or
5 disability period of any firefighter entitled to elect
6 continued group insurance coverage under any group policy
7 affected by this Section, the municipality last employing such
8 firefighter shall give written notice of such beginning by
9 certified mail, return receipt requested to the insurance
10 company issuing such policy. The notice shall include the
11 firefighter's name and last known place of residence and the
12 beginning date of the firefighter's retirement or disability
13 period.

14 Within 15 days of the date of receipt of such notice from
15 the municipality, the insurance company by certified mail,
16 return receipt requested, shall give written notice to the
17 firefighter at the firefighter's last known place of residence
18 that coverage under the group policy may be continued for the
19 retirement or disability period of the firefighter as provided
20 in this Section. Such notice shall set forth: (i) a statement
21 of election to be filed by the firefighter if the firefighter
22 wishes to continue such group insurance coverage, (ii) the
23 amount of monthly premium, including a statement of the
24 portion of such monthly premium attributable to any
25 dependents' coverage which the firefighter may elect, and
26 (iii) instructions as to the return of the election form to the

1 insurance company issuing such policy. Election shall be made,
2 if at all, by returning the statement of election to the
3 insurance company by certified mail, return receipt requested
4 within 15 days after having received it.

5 If the firefighter elects to continue coverage, it shall
6 be the obligation of the firefighter to pay the monthly
7 premium directly to the municipality, which shall forward it
8 to the insurance company issuing the group insurance policy,
9 or as otherwise directed by the insurance company; provided,
10 however, that the firefighter shall be entitled to designate
11 on the statement of election required to be filed with the
12 insurance company that the total monthly premium, or such
13 portion thereof as is not contributed by a municipality, be
14 deducted by a Firefighter's Pension Fund from any monthly
15 pension payment otherwise payable to or on behalf of the
16 firefighter pursuant to Article 4 of the Illinois Pension
17 Code, and be remitted by such Pension Fund to the insurance
18 company. The portion, if any, of the monthly premium
19 contributed by a municipality for such continued group
20 insurance coverage shall be paid by the municipality directly
21 to the insurance company issuing the group insurance policy,
22 or as otherwise directed by the insurance company. Such
23 continued group insurance coverage shall relate back to the
24 beginning of the firefighter's retirement or disability
25 period.

26 The amendment, renewal, or extension of any group

1 insurance policy affected by this Section shall be deemed to
2 be the issuance of a new policy of insurance for purposes of
3 this Section.

4 In the event that a municipality makes a program of
5 accident, health, hospital, or medical benefits available to
6 its firefighters through self-insurance, or by participation
7 in a pool or reciprocal insurer, or by contract in a form other
8 than a policy of group insurance with one or more medical
9 service plans, health care service corporations, health
10 maintenance organizations, or any other professional
11 corporations or plans under which health care or reimbursement
12 for the costs thereof is provided, whether the cost of such
13 benefits is borne by the municipality or the firefighters or
14 both, such firefighters and their surviving spouses shall have
15 the same right to elect continued coverage under such program
16 of benefits as they would have if such benefits were provided
17 by a policy of group accident and health insurance. In such
18 cases, the notice of right to elect continued coverage shall
19 be sent by the municipality; the statement of election shall
20 be sent to the municipality; and references to the required
21 premium shall refer to that portion of the cost of such
22 benefits which is not borne by the municipality, either
23 voluntarily or pursuant to the provisions of a collective
24 bargaining agreement. In the case of a municipality providing
25 such benefits through self-insurance or participation in a
26 pool or reciprocal insurer, the right to elect continued

1 coverage which is provided by this paragraph shall be
2 implemented and made available to the firefighters of the
3 municipality and qualifying surviving spouses not later than
4 July 1, 1985.

5 The amendment, renewal, or extension of any such contract
6 in a form other than a policy of group insurance policy shall
7 be deemed the formation of a new contract for the purposes of
8 this Section.

9 This Section shall not limit the exercise of any
10 conversion privileges available under Section 367e.

11 Pursuant to paragraphs (h) and (i) of Section 6 of Article
12 VII of the Illinois Constitution, this Section specifically
13 denies and limits the exercise by a home rule unit of any power
14 which is inconsistent with this Section and all existing laws
15 and ordinances which are inconsistent with this Section are
16 hereby superseded. This Section does not preempt the
17 concurrent exercise by home rule units of powers consistent
18 herewith.

19 The ~~Division of Insurance of the~~ Department of Insurance
20 ~~Financial and Professional Regulation~~ shall enforce the
21 provisions of this Section, including provisions relating to
22 municipality self-insured benefit plans.

23 (Source: P.A. 103-52, eff. 1-1-24; revised 7-18-24.)

24 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

25 Sec. 370c. Mental and emotional disorders.

1 (a)(1) On and after January 1, 2022 (the effective date of
2 Public Act 102-579), every insurer that amends, delivers,
3 issues, or renews group accident and health policies providing
4 coverage for hospital or medical treatment or services for
5 illness on an expense-incurred basis shall provide coverage
6 for the medically necessary treatment of mental, emotional,
7 nervous, or substance use disorders or conditions consistent
8 with the parity requirements of Section 370c.1 of this Code.

9 (2) Each insured that is covered for mental, emotional,
10 nervous, or substance use disorders or conditions shall be
11 free to select the physician licensed to practice medicine in
12 all its branches, licensed clinical psychologist, licensed
13 clinical social worker, licensed clinical professional
14 counselor, licensed marriage and family therapist, licensed
15 speech-language pathologist, or other licensed or certified
16 professional at a program licensed pursuant to the Substance
17 Use Disorder Act of his or her choice to treat such disorders,
18 and the insurer shall pay the covered charges of such
19 physician licensed to practice medicine in all its branches,
20 licensed clinical psychologist, licensed clinical social
21 worker, licensed clinical professional counselor, licensed
22 marriage and family therapist, licensed speech-language
23 pathologist, or other licensed or certified professional at a
24 program licensed pursuant to the Substance Use Disorder Act up
25 to the limits of coverage, provided (i) the disorder or
26 condition treated is covered by the policy, and (ii) the

1 physician, licensed psychologist, licensed clinical social
2 worker, licensed clinical professional counselor, licensed
3 marriage and family therapist, licensed speech-language
4 pathologist, or other licensed or certified professional at a
5 program licensed pursuant to the Substance Use Disorder Act is
6 authorized to provide said services under the statutes of this
7 State and in accordance with accepted principles of his or her
8 profession.

9 (3) Insofar as this Section applies solely to licensed
10 clinical social workers, licensed clinical professional
11 counselors, licensed marriage and family therapists, licensed
12 speech-language pathologists, and other licensed or certified
13 professionals at programs licensed pursuant to the Substance
14 Use Disorder Act, those persons who may provide services to
15 individuals shall do so after the licensed clinical social
16 worker, licensed clinical professional counselor, licensed
17 marriage and family therapist, licensed speech-language
18 pathologist, or other licensed or certified professional at a
19 program licensed pursuant to the Substance Use Disorder Act
20 has informed the patient of the desirability of the patient
21 conferring with the patient's primary care physician.

22 (4) "Mental, emotional, nervous, or substance use disorder
23 or condition" means a condition or disorder that involves a
24 mental health condition or substance use disorder that falls
25 under any of the diagnostic categories listed in the mental
26 and behavioral disorders chapter of the current edition of the

1 World Health Organization's International Classification of
2 Disease or that is listed in the most recent version of the
3 American Psychiatric Association's Diagnostic and Statistical
4 Manual of Mental Disorders. "Mental, emotional, nervous, or
5 substance use disorder or condition" includes any mental
6 health condition that occurs during pregnancy or during the
7 postpartum period and includes, but is not limited to,
8 postpartum depression.

9 (5) Medically necessary treatment and medical necessity
10 determinations shall be interpreted and made in a manner that
11 is consistent with and pursuant to subsections (h) through
12 (t).

13 (b)(1) (Blank).

14 (2) (Blank).

15 (2.5) (Blank).

16 (3) Unless otherwise prohibited by federal law and
17 consistent with the parity requirements of Section 370c.1 of
18 this Code, the reimbursing insurer that amends, delivers,
19 issues, or renews a group or individual policy of accident and
20 health insurance, a qualified health plan offered through the
21 health insurance marketplace, or a provider of treatment of
22 mental, emotional, nervous, or substance use disorders or
23 conditions shall furnish medical records or other necessary
24 data that substantiate that initial or continued treatment is
25 at all times medically necessary. An insurer shall provide a
26 mechanism for the timely review by a provider holding the same

1 license and practicing in the same specialty as the patient's
2 provider, who is unaffiliated with the insurer, jointly
3 selected by the patient (or the patient's next of kin or legal
4 representative if the patient is unable to act for himself or
5 herself), the patient's provider, and the insurer in the event
6 of a dispute between the insurer and patient's provider
7 regarding the medical necessity of a treatment proposed by a
8 patient's provider. If the reviewing provider determines the
9 treatment to be medically necessary, the insurer shall provide
10 reimbursement for the treatment. Future contractual or
11 employment actions by the insurer regarding the patient's
12 provider may not be based on the provider's participation in
13 this procedure. Nothing prevents the insured from agreeing in
14 writing to continue treatment at his or her expense. When
15 making a determination of the medical necessity for a
16 treatment modality for mental, emotional, nervous, or
17 substance use disorders or conditions, an insurer must make
18 the determination in a manner that is consistent with the
19 manner used to make that determination with respect to other
20 diseases or illnesses covered under the policy, including an
21 appeals process. Medical necessity determinations for
22 substance use disorders shall be made in accordance with
23 appropriate patient placement criteria established by the
24 American Society of Addiction Medicine. No additional criteria
25 may be used to make medical necessity determinations for
26 substance use disorders.

1 (4) A group health benefit plan amended, delivered,
2 issued, or renewed on or after January 1, 2019 (the effective
3 date of Public Act 100-1024) or an individual policy of
4 accident and health insurance or a qualified health plan
5 offered through the health insurance marketplace amended,
6 delivered, issued, or renewed on or after January 1, 2019 (the
7 effective date of Public Act 100-1024):

8 (A) shall provide coverage based upon medical
9 necessity for the treatment of a mental, emotional,
10 nervous, or substance use disorder or condition consistent
11 with the parity requirements of Section 370c.1 of this
12 Code; provided, however, that in each calendar year
13 coverage shall not be less than the following:

14 (i) 45 days of inpatient treatment; and

15 (ii) beginning on June 26, 2006 (the effective
16 date of Public Act 94-921), 60 visits for outpatient
17 treatment including group and individual outpatient
18 treatment; and

19 (iii) for plans or policies delivered, issued for
20 delivery, renewed, or modified after January 1, 2007
21 (the effective date of Public Act 94-906), 20
22 additional outpatient visits for speech therapy for
23 treatment of pervasive developmental disorders that
24 will be in addition to speech therapy provided
25 pursuant to item (ii) of this subparagraph (A); and

26 (B) may not include a lifetime limit on the number of

1 days of inpatient treatment or the number of outpatient
2 visits covered under the plan.

3 (C) (Blank).

4 (5) An issuer of a group health benefit plan or an
5 individual policy of accident and health insurance or a
6 qualified health plan offered through the health insurance
7 marketplace may not count toward the number of outpatient
8 visits required to be covered under this Section an outpatient
9 visit for the purpose of medication management and shall cover
10 the outpatient visits under the same terms and conditions as
11 it covers outpatient visits for the treatment of physical
12 illness.

13 (5.5) An individual or group health benefit plan amended,
14 delivered, issued, or renewed on or after September 9, 2015
15 (the effective date of Public Act 99-480) shall offer coverage
16 for medically necessary acute treatment services and medically
17 necessary clinical stabilization services. The treating
18 provider shall base all treatment recommendations and the
19 health benefit plan shall base all medical necessity
20 determinations for substance use disorders in accordance with
21 the most current edition of the Treatment Criteria for
22 Addictive, Substance-Related, and Co-Occurring Conditions
23 established by the American Society of Addiction Medicine. The
24 treating provider shall base all treatment recommendations and
25 the health benefit plan shall base all medical necessity
26 determinations for medication-assisted treatment in accordance

1 with the most current Treatment Criteria for Addictive,
2 Substance-Related, and Co-Occurring Conditions established by
3 the American Society of Addiction Medicine.

4 As used in this subsection:

5 "Acute treatment services" means 24-hour medically
6 supervised addiction treatment that provides evaluation and
7 withdrawal management and may include biopsychosocial
8 assessment, individual and group counseling, psychoeducational
9 groups, and discharge planning.

10 "Clinical stabilization services" means 24-hour treatment,
11 usually following acute treatment services for substance
12 abuse, which may include intensive education and counseling
13 regarding the nature of addiction and its consequences,
14 relapse prevention, outreach to families and significant
15 others, and aftercare planning for individuals beginning to
16 engage in recovery from addiction.

17 (6) An issuer of a group health benefit plan may provide or
18 offer coverage required under this Section through a managed
19 care plan.

20 (6.5) An individual or group health benefit plan amended,
21 delivered, issued, or renewed on or after January 1, 2019 (the
22 effective date of Public Act 100-1024):

23 (A) shall not impose prior authorization requirements,
24 including limitations on dosage, other than those
25 established under the Treatment Criteria for Addictive,
26 Substance-Related, and Co-Occurring Conditions

1 established by the American Society of Addiction Medicine,
2 on a prescription medication approved by the United States
3 Food and Drug Administration that is prescribed or
4 administered for the treatment of substance use disorders;

5 (B) shall not impose any step therapy requirements;

6 (C) shall place all prescription medications approved
7 by the United States Food and Drug Administration
8 prescribed or administered for the treatment of substance
9 use disorders on, for brand medications, the lowest tier
10 of the drug formulary developed and maintained by the
11 individual or group health benefit plan that covers brand
12 medications and, for generic medications, the lowest tier
13 of the drug formulary developed and maintained by the
14 individual or group health benefit plan that covers
15 generic medications; and

16 (D) shall not exclude coverage for a prescription
17 medication approved by the United States Food and Drug
18 Administration for the treatment of substance use
19 disorders and any associated counseling or wraparound
20 services on the grounds that such medications and services
21 were court ordered.

22 (7) (Blank).

23 (8) (Blank).

24 (9) With respect to all mental, emotional, nervous, or
25 substance use disorders or conditions, coverage for inpatient
26 treatment shall include coverage for treatment in a

1 residential treatment center certified or licensed by the
2 Department of Public Health or the Department of Human
3 Services.

4 (c) This Section shall not be interpreted to require
5 coverage for speech therapy or other habilitative services for
6 those individuals covered under Section 356z.15 of this Code.

7 (d) With respect to a group or individual policy of
8 accident and health insurance or a qualified health plan
9 offered through the health insurance marketplace, the
10 Department and, with respect to medical assistance, the
11 Department of Healthcare and Family Services shall each
12 enforce the requirements of this Section and Sections 356z.23
13 and 370c.1 of this Code, the Paul Wellstone and Pete Domenici
14 Mental Health Parity and Addiction Equity Act of 2008, 42
15 U.S.C. 18031(j), and any amendments to, and federal guidance
16 or regulations issued under, those Acts, including, but not
17 limited to, final regulations issued under the Paul Wellstone
18 and Pete Domenici Mental Health Parity and Addiction Equity
19 Act of 2008 and final regulations applying the Paul Wellstone
20 and Pete Domenici Mental Health Parity and Addiction Equity
21 Act of 2008 to Medicaid managed care organizations, the
22 Children's Health Insurance Program, and alternative benefit
23 plans. Specifically, the Department and the Department of
24 Healthcare and Family Services shall take action:

25 (1) proactively ensuring compliance by individual and
26 group policies, including by requiring that insurers

1 submit comparative analyses, as set forth in paragraph (6)
2 of subsection (k) of Section 370c.1, demonstrating how
3 they design and apply nonquantitative treatment
4 limitations, both as written and in operation, for mental,
5 emotional, nervous, or substance use disorder or condition
6 benefits as compared to how they design and apply
7 nonquantitative treatment limitations, as written and in
8 operation, for medical and surgical benefits;

9 (2) evaluating all consumer or provider complaints
10 regarding mental, emotional, nervous, or substance use
11 disorder or condition coverage for possible parity
12 violations;

13 (3) performing parity compliance market conduct
14 examinations or, in the case of the Department of
15 Healthcare and Family Services, parity compliance audits
16 of individual and group plans and policies, including, but
17 not limited to, reviews of:

18 (A) nonquantitative treatment limitations,
19 including, but not limited to, prior authorization
20 requirements, concurrent review, retrospective review,
21 step therapy, network admission standards,
22 reimbursement rates, and geographic restrictions;

23 (B) denials of authorization, payment, and
24 coverage; and

25 (C) other specific criteria as may be determined
26 by the Department.

1 The findings and the conclusions of the parity compliance
2 market conduct examinations and audits shall be made public.

3 The Director may adopt rules to effectuate any provisions
4 of the Paul Wellstone and Pete Domenici Mental Health Parity
5 and Addiction Equity Act of 2008 that relate to the business of
6 insurance.

7 (e) Availability of plan information.

8 (1) The criteria for medical necessity determinations
9 made under a group health plan, an individual policy of
10 accident and health insurance, or a qualified health plan
11 offered through the health insurance marketplace with
12 respect to mental health or substance use disorder
13 benefits (or health insurance coverage offered in
14 connection with the plan with respect to such benefits)
15 must be made available by the plan administrator (or the
16 health insurance issuer offering such coverage) to any
17 current or potential participant, beneficiary, or
18 contracting provider upon request.

19 (2) The reason for any denial under a group health
20 benefit plan, an individual policy of accident and health
21 insurance, or a qualified health plan offered through the
22 health insurance marketplace (or health insurance coverage
23 offered in connection with such plan or policy) of
24 reimbursement or payment for services with respect to
25 mental, emotional, nervous, or substance use disorders or
26 conditions benefits in the case of any participant or

1 beneficiary must be made available within a reasonable
2 time and in a reasonable manner and in readily
3 understandable language by the plan administrator (or the
4 health insurance issuer offering such coverage) to the
5 participant or beneficiary upon request.

6 (f) As used in this Section, "group policy of accident and
7 health insurance" and "group health benefit plan" includes (1)
8 State-regulated employer-sponsored group health insurance
9 plans written in Illinois or which purport to provide coverage
10 for a resident of this State; and (2) State employee health
11 plans.

12 (g) (1) As used in this subsection:

13 "Benefits", with respect to insurers, means the benefits
14 provided for treatment services for inpatient and outpatient
15 treatment of substance use disorders or conditions at American
16 Society of Addiction Medicine levels of treatment 2.1
17 (Intensive Outpatient), 2.5 (Partial Hospitalization), 3.1
18 (Clinically Managed Low-Intensity Residential), 3.3
19 (Clinically Managed Population-Specific High-Intensity
20 Residential), 3.5 (Clinically Managed High-Intensity
21 Residential), and 3.7 (Medically Monitored Intensive
22 Inpatient) and OMT (Opioid Maintenance Therapy) services.

23 "Benefits", with respect to managed care organizations,
24 means the benefits provided for treatment services for
25 inpatient and outpatient treatment of substance use disorders
26 or conditions at American Society of Addiction Medicine levels

1 of treatment 2.1 (Intensive Outpatient), 2.5 (Partial
2 Hospitalization), 3.5 (Clinically Managed High-Intensity
3 Residential), and 3.7 (Medically Monitored Intensive
4 Inpatient) and OMT (Opioid Maintenance Therapy) services.

5 "Substance use disorder treatment provider or facility"
6 means a licensed physician, licensed psychologist, licensed
7 psychiatrist, licensed advanced practice registered nurse, or
8 licensed, certified, or otherwise State-approved facility or
9 provider of substance use disorder treatment.

10 (2) A group health insurance policy, an individual health
11 benefit plan, or qualified health plan that is offered through
12 the health insurance marketplace, small employer group health
13 plan, and large employer group health plan that is amended,
14 delivered, issued, executed, or renewed in this State, or
15 approved for issuance or renewal in this State, on or after
16 January 1, 2019 (the effective date of Public Act 100-1023)
17 shall comply with the requirements of this Section and Section
18 370c.1. The services for the treatment and the ongoing
19 assessment of the patient's progress in treatment shall follow
20 the requirements of 77 Ill. Adm. Code 2060.

21 (3) Prior authorization shall not be utilized for the
22 benefits under this subsection. The substance use disorder
23 treatment provider or facility shall notify the insurer of the
24 initiation of treatment. For an insurer that is not a managed
25 care organization, the substance use disorder treatment
26 provider or facility notification shall occur for the

1 initiation of treatment of the covered person within 2
2 business days. For managed care organizations, the substance
3 use disorder treatment provider or facility notification shall
4 occur in accordance with the protocol set forth in the
5 provider agreement for initiation of treatment within 24
6 hours. If the managed care organization is not capable of
7 accepting the notification in accordance with the contractual
8 protocol during the 24-hour period following admission, the
9 substance use disorder treatment provider or facility shall
10 have one additional business day to provide the notification
11 to the appropriate managed care organization. Treatment plans
12 shall be developed in accordance with the requirements and
13 timeframes established in 77 Ill. Adm. Code 2060. If the
14 substance use disorder treatment provider or facility fails to
15 notify the insurer of the initiation of treatment in
16 accordance with these provisions, the insurer may follow its
17 normal prior authorization processes.

18 (4) For an insurer that is not a managed care
19 organization, if an insurer determines that benefits are no
20 longer medically necessary, the insurer shall notify the
21 covered person, the covered person's authorized
22 representative, if any, and the covered person's health care
23 provider in writing of the covered person's right to request
24 an external review pursuant to the Health Carrier External
25 Review Act. The notification shall occur within 24 hours
26 following the adverse determination.

1 Pursuant to the requirements of the Health Carrier
2 External Review Act, the covered person or the covered
3 person's authorized representative may request an expedited
4 external review. An expedited external review may not occur if
5 the substance use disorder treatment provider or facility
6 determines that continued treatment is no longer medically
7 necessary.

8 If an expedited external review request meets the criteria
9 of the Health Carrier External Review Act, an independent
10 review organization shall make a final determination of
11 medical necessity within 72 hours. If an independent review
12 organization upholds an adverse determination, an insurer
13 shall remain responsible to provide coverage of benefits
14 through the day following the determination of the independent
15 review organization. A decision to reverse an adverse
16 determination shall comply with the Health Carrier External
17 Review Act.

18 (5) The substance use disorder treatment provider or
19 facility shall provide the insurer with 7 business days'
20 advance notice of the planned discharge of the patient from
21 the substance use disorder treatment provider or facility and
22 notice on the day that the patient is discharged from the
23 substance use disorder treatment provider or facility.

24 (6) The benefits required by this subsection shall be
25 provided to all covered persons with a diagnosis of substance
26 use disorder or conditions. The presence of additional related

1 or unrelated diagnoses shall not be a basis to reduce or deny
2 the benefits required by this subsection.

3 (7) Nothing in this subsection shall be construed to
4 require an insurer to provide coverage for any of the benefits
5 in this subsection.

6 (h) As used in this Section:

7 "Generally accepted standards of mental, emotional,
8 nervous, or substance use disorder or condition care" means
9 standards of care and clinical practice that are generally
10 recognized by health care providers practicing in relevant
11 clinical specialties such as psychiatry, psychology, clinical
12 sociology, social work, addiction medicine and counseling, and
13 behavioral health treatment. Valid, evidence-based sources
14 reflecting generally accepted standards of mental, emotional,
15 nervous, or substance use disorder or condition care include
16 peer-reviewed scientific studies and medical literature,
17 recommendations of nonprofit health care provider professional
18 associations and specialty societies, including, but not
19 limited to, patient placement criteria and clinical practice
20 guidelines, recommendations of federal government agencies,
21 and drug labeling approved by the United States Food and Drug
22 Administration.

23 "Medically necessary treatment of mental, emotional,
24 nervous, or substance use disorders or conditions" means a
25 service or product addressing the specific needs of that
26 patient, for the purpose of screening, preventing, diagnosing,

1 managing, or treating an illness, injury, or condition or its
2 symptoms and comorbidities, including minimizing the
3 progression of an illness, injury, or condition or its
4 symptoms and comorbidities in a manner that is all of the
5 following:

6 (1) in accordance with the generally accepted
7 standards of mental, emotional, nervous, or substance use
8 disorder or condition care;

9 (2) clinically appropriate in terms of type,
10 frequency, extent, site, and duration; and

11 (3) not primarily for the economic benefit of the
12 insurer, purchaser, or for the convenience of the patient,
13 treating physician, or other health care provider.

14 "Utilization review" means either of the following:

15 (1) prospectively, retrospectively, or concurrently
16 reviewing and approving, modifying, delaying, or denying,
17 based in whole or in part on medical necessity, requests
18 by health care providers, insureds, or their authorized
19 representatives for coverage of health care services
20 before, retrospectively, or concurrently with the
21 provision of health care services to insureds.

22 (2) evaluating the medical necessity, appropriateness,
23 level of care, service intensity, efficacy, or efficiency
24 of health care services, benefits, procedures, or
25 settings, under any circumstances, to determine whether a
26 health care service or benefit subject to a medical

1 necessity coverage requirement in an insurance policy is
2 covered as medically necessary for an insured.

3 "Utilization review criteria" means patient placement
4 criteria or any criteria, standards, protocols, or guidelines
5 used by an insurer to conduct utilization review.

6 (i)(1) Every insurer that amends, delivers, issues, or
7 renews a group or individual policy of accident and health
8 insurance or a qualified health plan offered through the
9 health insurance marketplace in this State and Medicaid
10 managed care organizations providing coverage for hospital or
11 medical treatment on or after January 1, 2023 shall, pursuant
12 to subsections (h) through (s), provide coverage for medically
13 necessary treatment of mental, emotional, nervous, or
14 substance use disorders or conditions.

15 (2) An insurer shall not set a specific limit on the
16 duration of benefits or coverage of medically necessary
17 treatment of mental, emotional, nervous, or substance use
18 disorders or conditions or limit coverage only to alleviation
19 of the insured's current symptoms.

20 (3) All utilization review conducted by the insurer
21 concerning diagnosis, prevention, and treatment of insureds
22 diagnosed with mental, emotional, nervous, or substance use
23 disorders or conditions shall be conducted in accordance with
24 the requirements of subsections (k) through (w).

25 (4) An insurer that authorizes a specific type of
26 treatment by a provider pursuant to this Section shall not

1 rescind or modify the authorization after that provider
2 renders the health care service in good faith and pursuant to
3 this authorization for any reason, including, but not limited
4 to, the insurer's subsequent cancellation or modification of
5 the insured's or policyholder's contract, or the insured's or
6 policyholder's eligibility. Nothing in this Section shall
7 require the insurer to cover a treatment when the
8 authorization was granted based on a material
9 misrepresentation by the insured, the policyholder, or the
10 provider. Nothing in this Section shall require Medicaid
11 managed care organizations to pay for services if the
12 individual was not eligible for Medicaid at the time the
13 service was rendered. Nothing in this Section shall require an
14 insurer to pay for services if the individual was not the
15 insurer's enrollee at the time services were rendered. As used
16 in this paragraph, "material" means a fact or situation that
17 is not merely technical in nature and results in or could
18 result in a substantial change in the situation.

19 (j) An insurer shall not limit benefits or coverage for
20 medically necessary services on the basis that those services
21 should be or could be covered by a public entitlement program,
22 including, but not limited to, special education or an
23 individualized education program, Medicaid, Medicare,
24 Supplemental Security Income, or Social Security Disability
25 Insurance, and shall not include or enforce a contract term
26 that excludes otherwise covered benefits on the basis that

1 those services should be or could be covered by a public
2 entitlement program. Nothing in this subsection shall be
3 construed to require an insurer to cover benefits that have
4 been authorized and provided for a covered person by a public
5 entitlement program. Medicaid managed care organizations are
6 not subject to this subsection.

7 (k) An insurer shall base any medical necessity
8 determination or the utilization review criteria that the
9 insurer, and any entity acting on the insurer's behalf,
10 applies to determine the medical necessity of health care
11 services and benefits for the diagnosis, prevention, and
12 treatment of mental, emotional, nervous, or substance use
13 disorders or conditions on current generally accepted
14 standards of mental, emotional, nervous, or substance use
15 disorder or condition care. All denials and appeals shall be
16 reviewed by a professional with experience or expertise
17 comparable to the provider requesting the authorization.

18 (l) In conducting utilization review of all covered health
19 care services for the diagnosis, prevention, and treatment of
20 mental, emotional, and nervous disorders or conditions, an
21 insurer shall apply the criteria and guidelines set forth in
22 the most recent version of the treatment criteria developed by
23 an unaffiliated nonprofit professional association for the
24 relevant clinical specialty or, for Medicaid managed care
25 organizations, criteria and guidelines determined by the
26 Department of Healthcare and Family Services that are

1 consistent with generally accepted standards of mental,
2 emotional, nervous or substance use disorder or condition
3 care. Pursuant to subsection (b), in conducting utilization
4 review of all covered services and benefits for the diagnosis,
5 prevention, and treatment of substance use disorders an
6 insurer shall use the most recent edition of the patient
7 placement criteria established by the American Society of
8 Addiction Medicine.

9 (m) In conducting utilization review relating to level of
10 care placement, continued stay, transfer, discharge, or any
11 other patient care decisions that are within the scope of the
12 sources specified in subsection (l), an insurer shall not
13 apply different, additional, conflicting, or more restrictive
14 utilization review criteria than the criteria set forth in
15 those sources. For all level of care placement decisions, the
16 insurer shall authorize placement at the level of care
17 consistent with the assessment of the insured using the
18 relevant patient placement criteria as specified in subsection
19 (l). If that level of placement is not available, the insurer
20 shall authorize the next higher level of care. In the event of
21 disagreement, the insurer shall provide full detail of its
22 assessment using the relevant criteria as specified in
23 subsection (l) to the provider of the service and the patient.

24 If an insurer purchases or licenses utilization review
25 criteria pursuant to this subsection, the insurer shall verify
26 and document before use that the criteria were developed in

1 accordance with subsection (k).

2 (n) In conducting utilization review that is outside the
3 scope of the criteria as specified in subsection (l) or
4 relates to the advancements in technology or in the types or
5 levels of care that are not addressed in the most recent
6 versions of the sources specified in subsection (l), an
7 insurer shall conduct utilization review in accordance with
8 subsection (k).

9 (o) This Section does not in any way limit the rights of a
10 patient under the Medical Patient Rights Act.

11 (p) This Section does not in any way limit early and
12 periodic screening, diagnostic, and treatment benefits as
13 defined under 42 U.S.C. 1396d(r).

14 (q) To ensure the proper use of the criteria described in
15 subsection (l), every insurer shall do all of the following:

16 (1) Educate the insurer's staff, including any third
17 parties contracted with the insurer to review claims,
18 conduct utilization reviews, or make medical necessity
19 determinations about the utilization review criteria.

20 (2) Make the educational program available to other
21 stakeholders, including the insurer's participating or
22 contracted providers and potential participants,
23 beneficiaries, or covered lives. The education program
24 must be provided at least once a year, in-person or
25 digitally, or recordings of the education program must be
26 made available to the aforementioned stakeholders.

1 (3) Provide, at no cost, the utilization review
2 criteria and any training material or resources to
3 providers and insured patients upon request. For
4 utilization review criteria not concerning level of care
5 placement, continued stay, transfer, discharge, or other
6 patient care decisions used by the insurer pursuant to
7 subsection (m), the insurer may place the criteria on a
8 secure, password-protected website so long as the access
9 requirements of the website do not unreasonably restrict
10 access to insureds or their providers. No restrictions
11 shall be placed upon the insured's or treating provider's
12 access right to utilization review criteria obtained under
13 this paragraph at any point in time, including before an
14 initial request for authorization.

15 (4) Track, identify, and analyze how the utilization
16 review criteria are used to certify care, deny care, and
17 support the appeals process.

18 (5) Conduct interrater reliability testing to ensure
19 consistency in utilization review decision making that
20 covers how medical necessity decisions are made; this
21 assessment shall cover all aspects of utilization review
22 as defined in subsection (h).

23 (6) Run interrater reliability reports about how the
24 clinical guidelines are used in conjunction with the
25 utilization review process and parity compliance
26 activities.

1 (7) Achieve interrater reliability pass rates of at
2 least 90% and, if this threshold is not met, immediately
3 provide for the remediation of poor interrater reliability
4 and interrater reliability testing for all new staff
5 before they can conduct utilization review without
6 supervision.

7 (8) Maintain documentation of interrater reliability
8 testing and the remediation actions taken for those with
9 pass rates lower than 90% and submit to the Department of
10 Insurance or, in the case of Medicaid managed care
11 organizations, the Department of Healthcare and Family
12 Services the testing results and a summary of remedial
13 actions as part of parity compliance reporting set forth
14 in subsection (k) of Section 370c.1.

15 (r) This Section applies to all health care services and
16 benefits for the diagnosis, prevention, and treatment of
17 mental, emotional, nervous, or substance use disorders or
18 conditions covered by an insurance policy, including
19 prescription drugs.

20 (s) This Section applies to an insurer that amends,
21 delivers, issues, or renews a group or individual policy of
22 accident and health insurance or a qualified health plan
23 offered through the health insurance marketplace in this State
24 providing coverage for hospital or medical treatment and
25 conducts utilization review as defined in this Section,
26 including Medicaid managed care organizations, and any entity

1 or contracting provider that performs utilization review or
2 utilization management functions on an insurer's behalf.

3 (t) If the Director determines that an insurer has
4 violated this Section, the Director may, after appropriate
5 notice and opportunity for hearing, by order, assess a civil
6 penalty between \$1,000 and \$5,000 for each violation. Moneys
7 collected from penalties shall be deposited into the Parity
8 Advancement Fund established in subsection (i) of Section
9 370c.1.

10 (u) An insurer shall not adopt, impose, or enforce terms
11 in its policies or provider agreements, in writing or in
12 operation, that undermine, alter, or conflict with the
13 requirements of this Section.

14 (v) The provisions of this Section are severable. If any
15 provision of this Section or its application is held invalid,
16 that invalidity shall not affect other provisions or
17 applications that can be given effect without the invalid
18 provision or application.

19 (w) Beginning January 1, 2026, coverage for inpatient
20 mental health treatment at participating hospitals shall
21 comply with the following requirements:

22 (1) Subject to paragraphs (2) and (3) of this
23 subsection, no policy shall require prior authorization
24 for admission for such treatment at any participating
25 hospital.

26 (2) Coverage provided under this subsection also shall

1 not be subject to concurrent review for the first 72
2 hours, provided that the hospital must notify the insurer
3 of both the admission and the initial treatment plan
4 within 48 hours of admission. A discharge plan must be
5 fully developed and continuity services prepared to meet
6 the patient's needs and the patient's community preference
7 upon release. Nothing in this paragraph supersedes a
8 health maintenance organization's referral requirement for
9 services from nonparticipating providers upon a patient's
10 discharge from a hospital.

11 (3) Treatment provided under this subsection may be
12 reviewed retrospectively. If coverage is denied
13 retrospectively, neither the insurer nor the participating
14 hospital shall bill, and the insured shall not be liable,
15 for any treatment under this subsection through the date
16 the adverse determination is issued, other than any
17 copayment, coinsurance, or deductible for the stay through
18 that date as applicable under the policy. Coverage shall
19 not be retrospectively denied for the first 72 hours of
20 treatment at a participating hospital except:

21 (A) upon reasonable determination that the
22 inpatient mental health treatment was not provided;

23 (B) upon determination that the patient receiving
24 the treatment was not an insured, enrollee, or
25 beneficiary under the policy;

26 (C) upon material misrepresentation by the patient

1 or health care provider. In this item (C), "material"
2 means a fact or situation that is not merely technical
3 in nature and results or could result in a substantial
4 change in the situation; or

5 (D) upon determination that a service was excluded
6 under the terms of coverage. In that case, the
7 limitation to billing for a copayment, coinsurance, or
8 deductible shall not apply.

9 (4) Nothing in this subsection shall be construed to
10 require a policy to cover any health care service excluded
11 under the terms of coverage.

12 (x) Notwithstanding any provision of this Section, nothing
13 shall require the medical assistance program under Article V
14 of the Illinois Public Aid Code to violate any applicable
15 federal laws, regulations, or grant requirements or any State
16 or federal consent decrees. Nothing in subsection (w) shall
17 prevent the Department of Healthcare and Family Services from
18 requiring a health care provider to use specified level of
19 care, admission, continued stay, or discharge criteria,
20 including, but not limited to, those under Section 5-5.23 of
21 the Illinois Public Aid Code, as long as the Department of
22 Healthcare and Family Services does not require a health care
23 provider to seek prior authorization or concurrent review from
24 the Department of Healthcare and Family Services, a Medicaid
25 managed care organization, or a utilization review
26 organization under the circumstances expressly prohibited by

1 subsection (w). Nothing in this Section prohibits a health
2 plan, including a Medicaid managed care organization, from
3 conducting reviews for fraud, waste, or abuse and reporting
4 suspected fraud, waste, or abuse according to State and
5 federal requirements.

6 (y) Children's Mental Health. Nothing in this Section
7 shall suspend the screening and assessment requirements for
8 mental health services for children participating in the
9 State's medical assistance program as required in Section
10 5-5.23 of the Illinois Public Aid Code.

11 (Source: P.A. 102-558, eff. 8-20-21; 102-579, eff. 1-1-22;
12 102-813, eff. 5-13-22; 103-426, eff. 8-4-23; 103-650, eff.
13 1-1-25; 103-1040, eff. 8-9-24; revised 11-26-24.)

14 (215 ILCS 5/408) (from Ch. 73, par. 1020)

15 Sec. 408. Fees and charges.

16 (1) The Director shall charge, collect and give proper
17 acquittances for the payment of the following fees and
18 charges:

19 (a) For filing all documents submitted for the
20 incorporation or organization or certification of a
21 domestic company, except for a fraternal benefit society,
22 \$2,000.

23 (b) For filing all documents submitted for the
24 incorporation or organization of a fraternal benefit
25 society, \$500.

1 (c) For filing amendments to articles of incorporation
2 and amendments to declaration of organization, except for
3 a fraternal benefit society, a mutual benefit association,
4 a burial society or a farm mutual, \$200.

5 (d) For filing amendments to articles of incorporation
6 of a fraternal benefit society, a mutual benefit
7 association or a burial society, \$100.

8 (e) For filing amendments to articles of incorporation
9 of a farm mutual, \$50.

10 (f) For filing bylaws or amendments thereto, \$50.

11 (g) For filing agreement of merger or consolidation:

12 (i) for a domestic company, except for a fraternal
13 benefit society, a mutual benefit association, a
14 burial society, or a farm mutual, \$2,000.

15 (ii) for a foreign or alien company, except for a
16 fraternal benefit society, \$600.

17 (iii) for a fraternal benefit society, a mutual
18 benefit association, a burial society, or a farm
19 mutual, \$200.

20 (h) For filing agreements of reinsurance by a domestic
21 company, \$200.

22 (i) For filing all documents submitted by a foreign or
23 alien company to be admitted to transact business or
24 accredited as a reinsurer in this State, except for a
25 fraternal benefit society, \$5,000.

26 (j) For filing all documents submitted by a foreign or

1 alien fraternal benefit society to be admitted to transact
2 business in this State, \$500.

3 (k) For filing declaration of withdrawal of a foreign
4 or alien company, \$50.

5 (l) For filing annual statement by a domestic company,
6 except a fraternal benefit society, a mutual benefit
7 association, a burial society, or a farm mutual, \$200.

8 (m) For filing annual statement by a domestic
9 fraternal benefit society, \$100.

10 (n) For filing annual statement by a farm mutual, a
11 mutual benefit association, or a burial society, \$50.

12 (o) For issuing a certificate of authority or renewal
13 thereof except to a foreign fraternal benefit society,
14 \$400.

15 (p) For issuing a certificate of authority or renewal
16 thereof to a foreign fraternal benefit society, \$200.

17 (q) For issuing an amended certificate of authority,
18 \$50.

19 (r) For each certified copy of certificate of
20 authority, \$20.

21 (s) For each certificate of deposit, or valuation, or
22 compliance or surety certificate, \$20.

23 (t) For copies of papers or records per page, \$1.

24 (u) For each certification to copies of papers or
25 records, \$10.

26 (v) For multiple copies of documents or certificates

1 listed in subparagraphs (r), (s), and (u) of paragraph (1)
2 of this Section, \$10 for the first copy of a certificate of
3 any type and \$5 for each additional copy of the same
4 certificate requested at the same time, unless, pursuant
5 to paragraph (2) of this Section, the Director finds these
6 additional fees excessive.

7 (w) For issuing a permit to sell shares or increase
8 paid-up capital:

9 (i) in connection with a public stock offering,
10 \$300;

11 (ii) in any other case, \$100.

12 (x) For issuing any other certificate required or
13 permissible under the law, \$50.

14 (y) For filing a plan of exchange of the stock of a
15 domestic stock insurance company, a plan of
16 demutualization of a domestic mutual company, or a plan of
17 reorganization under Article XII, \$2,000.

18 (z) For filing a statement of acquisition of a
19 domestic company as defined in Section 131.4 of this Code,
20 \$2,000.

21 (aa) For filing an agreement to purchase the business
22 of an organization authorized under the Dental Service
23 Plan Act or the Voluntary Health Services Plans Act or of a
24 health maintenance organization or a limited health
25 service organization, \$2,000.

26 (bb) For filing a statement of acquisition of a

1 foreign or alien insurance company as defined in Section
2 131.12a of this Code, \$1,000.

3 (cc) For filing a registration statement as required
4 in Sections 131.13 and 131.14, the notification as
5 required by Sections 131.16, 131.20a, or 141.4, or an
6 agreement or transaction required by Sections 124.2(2),
7 141, 141a, or 141.1, \$200.

8 (dd) For filing an application for licensing of:

9 (i) a religious or charitable risk pooling trust
10 or a workers' compensation pool, \$1,000;

11 (ii) a workers' compensation service company,
12 \$500;

13 (iii) a self-insured automobile fleet, \$200; or

14 (iv) a renewal of or amendment of any license
15 issued pursuant to (i), (ii), or (iii) above, \$100.

16 (ee) For filing articles of incorporation for a
17 syndicate to engage in the business of insurance through
18 the Illinois Insurance Exchange, \$2,000.

19 (ff) For filing amended articles of incorporation for
20 a syndicate engaged in the business of insurance through
21 the Illinois Insurance Exchange, \$100.

22 (gg) For filing articles of incorporation for a
23 limited syndicate to join with other subscribers or
24 limited syndicates to do business through the Illinois
25 Insurance Exchange, \$1,000.

26 (hh) For filing amended articles of incorporation for

1 a limited syndicate to do business through the Illinois
2 Insurance Exchange, \$100.

3 (ii) For a permit to solicit subscriptions to a
4 syndicate or limited syndicate, \$100.

5 (jj) For the filing of each form as required in
6 Section 143 of this Code, \$50 per form. Informational and
7 advertising filings shall be \$25 per filing. The fee for
8 advisory and rating organizations shall be \$200 per form.

9 (i) For the purposes of the form filing fee,
10 filings made on insert page basis will be considered
11 one form at the time of its original submission.
12 Changes made to a form subsequent to its approval
13 shall be considered a new filing.

14 (ii) Only one fee shall be charged for a form,
15 regardless of the number of other forms or policies
16 with which it will be used.

17 (iii) Fees charged for a policy filed as it will be
18 issued regardless of the number of forms comprising
19 that policy shall not exceed \$1,500. For advisory or
20 rating organizations, fees charged for a policy filed
21 as it will be issued regardless of the number of forms
22 comprising that policy shall not exceed \$2,500.

23 (iv) The Director may by rule exempt forms from
24 such fees.

25 (kk) For filing an application for licensing of a
26 reinsurance intermediary, \$500.

1 (ll) For filing an application for renewal of a
2 license of a reinsurance intermediary, \$200.

3 (mm) For filing a plan of division of a domestic stock
4 company under Article IIB, \$100,000.

5 (nn) For filing all documents submitted by a foreign
6 or alien company to be a certified reinsurer in this
7 State, except for a fraternal benefit society, \$1,000.

8 (oo) For filing a renewal by a foreign or alien
9 company to be a certified reinsurer in this State, except
10 for a fraternal benefit society, \$400.

11 (pp) For filing all documents submitted by a reinsurer
12 domiciled in a reciprocal jurisdiction, \$1,000.

13 (qq) For filing a renewal by a reinsurer domiciled in
14 a reciprocal jurisdiction, \$400.

15 (rr) For registering a captive management company or
16 renewal thereof, \$50.

17 (ss) For filing an insurance business transfer plan
18 under Article XLVII, \$100,000.

19 (2) When printed copies or numerous copies of the same
20 paper or records are furnished or certified, the Director may
21 reduce such fees for copies if he finds them excessive. He may,
22 when he considers it in the public interest, furnish without
23 charge to state insurance departments and persons other than
24 companies, copies or certified copies of reports of
25 examinations and of other papers and records.

26 (3) (a) The expenses incurred in any performance

1 examination authorized by law shall be paid by the company or
2 person being examined. The charge shall be consistent with
3 that otherwise authorized by law and shall be reasonably
4 related to the cost of the examination, including, but not
5 limited to, compensation of examiners, electronic data
6 processing costs, supervision and preparation of an
7 examination report, and lodging and travel expenses. All
8 lodging and travel expenses shall be in accord with the
9 applicable travel regulations as published by the Department
10 of Central Management Services and approved by the Governor's
11 Travel Control Board, except that out-of-state lodging and
12 travel expenses related to examinations authorized under
13 Section 132 shall be in accordance with travel rates
14 prescribed under paragraph 301-7.2 of the Federal Travel
15 Regulations, 41 CFR 301-7.2, for reimbursement of subsistence
16 expenses incurred during official travel. All lodging and
17 travel expenses may be reimbursed directly upon authorization
18 of the Director. With the exception of the direct
19 reimbursements authorized by the Director, all performance
20 examination charges collected by the Department shall be paid
21 to the Insurance Producer Administration Fund, however, the
22 electronic data processing costs incurred by the Department in
23 the performance of any examination shall be billed directly to
24 the company being examined for payment to the Technology
25 Management Revolving Fund.

26 (b) The costs and fees incurred in a market conduct

1 examination shall be itemized and bills shall be provided to
2 the examinee on a monthly basis for review prior to submission
3 for payment. The Director shall review and affirmatively
4 endorse detailed billings from any contracted, qualified
5 outside professional assistance retained under Section 402 for
6 market conduct examinations before the detailed billings are
7 sent to the examinee. Before any qualified outside
8 professional assistance conducts billable work on an
9 examination, the Department shall disclose to the examinee the
10 terms of the contracts with the qualified outside professional
11 assistance that will be used, including the fees and hourly
12 rates that can be charged.

13 (4) At the time of any service of process on the Director
14 as attorney for such service, the Director shall charge and
15 collect the sum of \$40, which may be recovered as taxable costs
16 by the party to the suit or action causing such service to be
17 made if he prevails in such suit or action.

18 (5)(a) The costs incurred by the Department of Insurance
19 in conducting any hearing authorized by law shall be assessed
20 against the parties to the hearing in such proportion as the
21 Director of Insurance may determine upon consideration of all
22 relevant circumstances including: (1) the nature of the
23 hearing; (2) whether the hearing was instigated by, or for the
24 benefit of a particular party or parties; (3) whether there is
25 a successful party on the merits of the proceeding; and (4) the
26 relative levels of participation by the parties.

1 (b) For purposes of this subsection (5) costs incurred
2 shall mean the hearing officer fees, court reporter fees, and
3 travel expenses of Department of Insurance officers and
4 employees; provided however, that costs incurred shall not
5 include hearing officer fees or court reporter fees unless the
6 Department has retained the services of independent
7 contractors or outside experts to perform such functions.

8 (c) The Director shall make the assessment of costs
9 incurred as part of the final order or decision arising out of
10 the proceeding; provided, however, that such order or decision
11 shall include findings and conclusions in support of the
12 assessment of costs. This subsection (5) shall not be
13 construed as permitting the payment of travel expenses unless
14 calculated in accordance with the applicable travel
15 regulations of the Department of Central Management Services,
16 as approved by the Governor's Travel Control Board. The
17 Director as part of such order or decision shall require all
18 assessments for hearing officer fees and court reporter fees,
19 if any, to be paid directly to the hearing officer or court
20 reporter by the party or parties ~~party(s)~~ assessed for such
21 costs. The assessments for travel expenses of Department
22 officers and employees shall be reimbursable to the Director
23 of Insurance for deposit to the fund out of which those
24 expenses had been paid.

25 (d) The provisions of this subsection (5) shall apply in
26 the case of any hearing conducted by the Director of Insurance

1 not otherwise specifically provided for by law.

2 (6) The Director shall charge and collect an annual
3 financial regulation fee from every domestic company for
4 examination and analysis of its financial condition and to
5 fund the internal costs and expenses of the Interstate
6 Insurance Receivership Commission as may be allocated to the
7 State of Illinois and companies doing an insurance business in
8 this State pursuant to Article X of the Interstate Insurance
9 Receivership Compact. The fee shall be the greater fixed
10 amount based upon the combination of nationwide direct premium
11 income and nationwide reinsurance assumed premium income or
12 upon admitted assets calculated under this subsection as
13 follows:

14 (a) Combination of nationwide direct premium income
15 and nationwide reinsurance assumed premium.

16 (i) \$150, if the premium is less than \$500,000 and
17 there is no reinsurance assumed premium;

18 (ii) \$750, if the premium is \$500,000 or more, but
19 less than \$5,000,000 and there is no reinsurance
20 assumed premium; or if the premium is less than
21 \$5,000,000 and the reinsurance assumed premium is less
22 than \$10,000,000;

23 (iii) \$3,750, if the premium is less than
24 \$5,000,000 and the reinsurance assumed premium is
25 \$10,000,000 or more;

26 (iv) \$7,500, if the premium is \$5,000,000 or more,

1 but less than \$10,000,000;

2 (v) \$18,000, if the premium is \$10,000,000 or
3 more, but less than \$25,000,000;

4 (vi) \$22,500, if the premium is \$25,000,000 or
5 more, but less than \$50,000,000;

6 (vii) \$30,000, if the premium is \$50,000,000 or
7 more, but less than \$100,000,000;

8 (viii) \$37,500, if the premium is \$100,000,000 or
9 more.

10 (b) Admitted assets.

11 (i) \$150, if admitted assets are less than
12 \$1,000,000;

13 (ii) \$750, if admitted assets are \$1,000,000 or
14 more, but less than \$5,000,000;

15 (iii) \$3,750, if admitted assets are \$5,000,000 or
16 more, but less than \$25,000,000;

17 (iv) \$7,500, if admitted assets are \$25,000,000 or
18 more, but less than \$50,000,000;

19 (v) \$18,000, if admitted assets are \$50,000,000 or
20 more, but less than \$100,000,000;

21 (vi) \$22,500, if admitted assets are \$100,000,000
22 or more, but less than \$500,000,000;

23 (vii) \$30,000, if admitted assets are \$500,000,000
24 or more, but less than \$1,000,000,000;

25 (viii) \$37,500, if admitted assets are
26 \$1,000,000,000 or more.

1 (c) The sum of financial regulation fees charged to
2 the domestic companies of the same affiliated group shall
3 not exceed \$250,000 in the aggregate in any single year
4 and shall be billed by the Director to the member company
5 designated by the group.

6 (7) The Director shall charge and collect an annual
7 financial regulation fee from every foreign or alien company,
8 except fraternal benefit societies, for the examination and
9 analysis of its financial condition and to fund the internal
10 costs and expenses of the Interstate Insurance Receivership
11 Commission as may be allocated to the State of Illinois and
12 companies doing an insurance business in this State pursuant
13 to Article X of the Interstate Insurance Receivership Compact.
14 The fee shall be a fixed amount based upon Illinois direct
15 premium income and nationwide reinsurance assumed premium
16 income in accordance with the following schedule:

17 (a) \$150, if the premium is less than \$500,000 and
18 there is no reinsurance assumed premium;

19 (b) \$750, if the premium is \$500,000 or more, but less
20 than \$5,000,000 and there is no reinsurance assumed
21 premium; or if the premium is less than \$5,000,000 and the
22 reinsurance assumed premium is less than \$10,000,000;

23 (c) \$3,750, if the premium is less than \$5,000,000 and
24 the reinsurance assumed premium is \$10,000,000 or more;

25 (d) \$7,500, if the premium is \$5,000,000 or more, but
26 less than \$10,000,000;

1 (e) \$18,000, if the premium is \$10,000,000 or more,
2 but less than \$25,000,000;

3 (f) \$22,500, if the premium is \$25,000,000 or more,
4 but less than \$50,000,000;

5 (g) \$30,000, if the premium is \$50,000,000 or more,
6 but less than \$100,000,000;

7 (h) \$37,500, if the premium is \$100,000,000 or more.

8 The sum of financial regulation fees under this subsection
9 (7) charged to the foreign or alien companies within the same
10 affiliated group shall not exceed \$250,000 in the aggregate in
11 any single year and shall be billed by the Director to the
12 member company designated by the group.

13 (8) Beginning January 1, 1992, the financial regulation
14 fees imposed under subsections (6) and (7) of this Section
15 shall be paid by each company or domestic affiliated group
16 annually. After January 1, 1994, the fee shall be billed by
17 Department invoice based upon the company's premium income or
18 admitted assets as shown in its annual statement for the
19 preceding calendar year. The invoice is due upon receipt and
20 must be paid no later than June 30 of each calendar year. All
21 financial regulation fees collected by the Department shall be
22 paid to the Insurance Financial Regulation Fund. The
23 Department may not collect financial examiner per diem charges
24 from companies subject to subsections (6) and (7) of this
25 Section undergoing financial examination after June 30, 1992.

26 (9) In addition to the financial regulation fee required

1 by this Section, a company undergoing any financial
2 examination authorized by law shall pay the following costs
3 and expenses incurred by the Department: electronic data
4 processing costs, the expenses authorized under Section 131.21
5 and subsection (d) of Section 132.4 of this Code, and lodging
6 and travel expenses.

7 Electronic data processing costs incurred by the
8 Department in the performance of any examination shall be
9 billed directly to the company undergoing examination for
10 payment to the Technology Management Revolving Fund. Except
11 for direct reimbursements authorized by the Director or direct
12 payments made under Section 131.21 or subsection (d) of
13 Section 132.4 of this Code, all financial regulation fees and
14 all financial examination charges collected by the Department
15 shall be paid to the Insurance Financial Regulation Fund.

16 All lodging and travel expenses shall be in accordance
17 with applicable travel regulations published by the Department
18 of Central Management Services and approved by the Governor's
19 Travel Control Board, except that out-of-state lodging and
20 travel expenses related to examinations authorized under
21 Sections 132.1 through 132.7 shall be in accordance with
22 travel rates prescribed under paragraph 301-7.2 of the Federal
23 Travel Regulations, 41 CFR 301-7.2, for reimbursement of
24 subsistence expenses incurred during official travel. All
25 lodging and travel expenses may be reimbursed directly upon
26 the authorization of the Director.

1 In the case of an organization or person not subject to the
2 financial regulation fee, the expenses incurred in any
3 financial examination authorized by law shall be paid by the
4 organization or person being examined. The charge shall be
5 reasonably related to the cost of the examination including,
6 but not limited to, compensation of examiners and other costs
7 described in this subsection.

8 (10) Any company, person, or entity failing to make any
9 payment of \$150 or more as required under this Section shall be
10 subject to the penalty and interest provisions provided for in
11 subsections (4) and (7) of Section 412.

12 (11) Unless otherwise specified, all of the fees collected
13 under this Section shall be paid into the Insurance Financial
14 Regulation Fund.

15 (12) For purposes of this Section:

16 (a) "Domestic company" means a company as defined in
17 Section 2 of this Code which is incorporated or organized
18 under the laws of this State, and in addition includes a
19 not-for-profit corporation authorized under the Dental
20 Service Plan Act or the Voluntary Health Services Plans
21 Act, a health maintenance organization, and a limited
22 health service organization.

23 (b) "Foreign company" means a company as defined in
24 Section 2 of this Code which is incorporated or organized
25 under the laws of any state of the United States other than
26 this State and in addition includes a health maintenance

1 organization and a limited health service organization
2 which is incorporated or organized under the laws of any
3 state of the United States other than this State.

4 (c) "Alien company" means a company as defined in
5 Section 2 of this Code which is incorporated or organized
6 under the laws of any country other than the United
7 States.

8 (d) "Fraternal benefit society" means a corporation,
9 society, order, lodge or voluntary association as defined
10 in Section 282.1 of this Code.

11 (e) "Mutual benefit association" means a company,
12 association or corporation authorized by the Director to
13 do business in this State under the provisions of Article
14 XVIII of this Code.

15 (f) "Burial society" means a person, firm,
16 corporation, society or association of individuals
17 authorized by the Director to do business in this State
18 under the provisions of Article XIX of this Code.

19 (g) "Farm mutual" means a district, county and
20 township mutual insurance company authorized by the
21 Director to do business in this State under the provisions
22 of the Farm Mutual Insurance Company Act of 1986.

23 (Source: P.A. 102-775, eff. 5-13-22; 103-75, eff. 1-1-25;
24 103-718, eff. 7-19-24; 103-897, eff. 1-1-25; revised
25 11-22-24.)

1 (215 ILCS 5/416)

2 Sec. 416. Illinois Workers' Compensation Commission
3 Operations Fund Surcharge.

4 (a) As of July 30, 2004 (the effective date of Public Act
5 93-840), every company licensed or authorized by the Illinois
6 Department of Insurance and insuring employers' liabilities
7 arising under the Workers' Compensation Act or the Workers'
8 Occupational Diseases Act shall remit to the Director a
9 surcharge based upon the annual direct written premium, as
10 reported under Section 136 of this Act, of the company in the
11 manner provided in this Section. Such proceeds shall be
12 deposited into the Illinois Workers' Compensation Commission
13 Operations Fund as established in the Workers' Compensation
14 Act. If a company survives or was formed by a merger,
15 consolidation, reorganization, or reincorporation, the direct
16 written premiums of all companies party to the merger,
17 consolidation, reorganization, or reincorporation shall, for
18 purposes of determining the amount of the fee imposed by this
19 Section, be regarded as those of the surviving or new company.

20 (b) Beginning on July 30, 2004 (the effective date of
21 Public Act 93-840) and on July 1 of each year thereafter
22 through 2023, the Director shall charge an annual Illinois
23 Workers' Compensation Commission Operations Fund Surcharge
24 from every company subject to subsection (a) of this Section
25 equal to 1.01% of its direct written premium for insuring
26 employers' liabilities arising under the Workers' Compensation

1 Act or Workers' Occupational Diseases Act as reported in each
2 company's annual statement filed for the previous year as
3 required by Section 136. Within 15 days after June 5, 2024 (the
4 effective date of Public Act 103-590) ~~this amendatory Act of~~
5 ~~the 103rd General Assembly~~ and on July 1 of each year
6 thereafter, the Director shall charge an annual Illinois
7 Workers' Compensation Commission Operations Fund Surcharge
8 from every company subject to subsection (a) of this Section
9 equal to 1.092% of its direct written premium for insuring
10 employers' liabilities arising under the Workers' Compensation
11 Act or Workers' Occupational Diseases Act as reported in each
12 company's annual statement filed for the previous year as
13 required by Section 136. The Illinois Workers' Compensation
14 Commission Operations Fund Surcharge shall be collected by
15 companies subject to subsection (a) of this Section as a
16 separately stated surcharge on insured employers at the rate
17 of 1.092% of direct written premium for the surcharge due in
18 2024 and each year thereafter. The Illinois Workers'
19 Compensation Commission Operations Fund Surcharge shall not be
20 collected by companies subject to subsection (a) of this
21 Section from any employer that self-insures its liabilities
22 arising under the Workers' Compensation Act or Workers'
23 Occupational Diseases Act, provided that the employer has paid
24 the Illinois Workers' Compensation Commission Operations Fund
25 Fee pursuant to Section 4d of the Workers' Compensation Act.
26 All sums collected by the Department of Insurance under the

1 provisions of this Section shall be paid promptly after the
2 receipt of the same, accompanied by a detailed statement
3 thereof, into the Illinois Workers' Compensation Commission
4 Operations Fund in the State treasury.

5 ~~(b) (2) (Blank).~~

6 (c) In addition to the authority specifically granted
7 under Article XXV of this Code, the Director shall have such
8 authority to adopt rules or establish forms as may be
9 reasonably necessary for purposes of enforcing this Section.
10 The Director shall also have authority to defer, waive, or
11 abate the surcharge or any penalties imposed by this Section
12 if in the Director's opinion the company's solvency and
13 ability to meet its insured obligations would be immediately
14 threatened by payment of the surcharge due.

15 (d) When a company fails to pay the full amount of any
16 annual Illinois Workers' Compensation Commission Operations
17 Fund Surcharge of \$100 or more due under this Section, there
18 shall be added to the amount due as a penalty an amount equal
19 to 10% of the deficiency for each month or part of a month that
20 the deficiency remains unpaid.

21 (e) The Department of Insurance may enforce the collection
22 of any delinquent payment, penalty, or portion thereof by
23 legal action or in any other manner by which the collection of
24 debts due the State of Illinois may be enforced under the laws
25 of this State.

26 (f) Whenever it appears to the satisfaction of the

1 Director that a company has paid pursuant to this Act an
2 Illinois Workers' Compensation Commission Operations Fund
3 Surcharge in an amount in excess of the amount legally
4 collectable from the company, the Director shall issue a
5 credit memorandum for an amount equal to the amount of such
6 overpayment. A credit memorandum may be applied for the 2-year
7 period from the date of issuance, against the payment of any
8 amount due during that period under the surcharge imposed by
9 this Section or, subject to reasonable rule of the Department
10 of Insurance including requirement of notification, may be
11 assigned to any other company subject to regulation under this
12 Act. Any application of credit memoranda after the period
13 provided for in this Section is void.

14 (g) Annually, the Governor may direct a transfer of up to
15 2% of all moneys collected under this Section to the Insurance
16 Financial Regulation Fund.

17 (Source: P.A. 102-775, eff. 5-13-22; 103-590, eff. 6-5-24;
18 revised 7-31-24.)

19 (215 ILCS 5/500-35)

20 (Section scheduled to be repealed on January 1, 2027)

21 Sec. 500-35. License.

22 (a) Unless denied a license pursuant to Section 500-70,
23 persons who have met the requirements of Sections 500-25 and
24 500-30 shall be issued a 2-year insurance producer license. An
25 insurance producer may receive qualification for a license in

1 one or more of the following lines of authority:

2 (1) Life: insurance coverage on human lives including
3 benefits of endowment and annuities, and may include
4 benefits in the event of death or dismemberment by
5 accident and benefits for disability income.

6 (2) Variable life and variable annuity products:
7 insurance coverage provided under variable life insurance
8 contracts and variable annuities.

9 (3) Accident and health or sickness: insurance
10 coverage for sickness, bodily injury, or accidental death
11 and may include benefits for disability income.

12 (4) Property: insurance coverage for the direct or
13 consequential loss or damage to property of every kind.

14 (5) Casualty: insurance coverage against legal
15 liability, including that for death, injury, or disability
16 or damage to real or personal property.

17 (6) Personal lines: property and casualty insurance
18 coverage sold to individuals and families for primarily
19 noncommercial purposes.

20 (7) Any other line of insurance permitted under State
21 laws or rules.

22 (b) An insurance producer license shall remain in effect
23 unless revoked or suspended as long as the fee set forth in
24 Section 500-135 is paid and education requirements for
25 resident individual producers are met by the due date.

26 (1) Before each license renewal, an insurance producer

1 must satisfactorily complete at least 24 hours of course
2 study or participation in a professional insurance
3 association under paragraph (3) of this subsection in
4 accordance with rules prescribed by the Director. Three of
5 the 24 hours of course study must consist of classroom or
6 webinar ethics instruction. The Director may not approve a
7 course of study unless the course provides for classroom,
8 seminar, webinar, or self-study instruction methods. A
9 course given in a combination instruction method of
10 classroom, seminar, webinar, or self-study shall be deemed
11 to be a self-study course unless the number of classroom,
12 seminar, or webinar certified hours meets or exceeds
13 two-thirds of total hours certified for the course. The
14 self-study material used in the combination course must be
15 directly related to and complement the classroom portion
16 of the course in order to be considered for credit. An
17 instruction method other than classroom or seminar shall
18 be considered as self-study methodology. Self-study credit
19 hours require the successful completion of an examination
20 covering the self-study material. The examination may not
21 be self-evaluated. However, if the self-study material is
22 completed through the use of an approved computerized
23 interactive format whereby the computer validates the
24 successful completion of the self-study material, no
25 additional examination is required. The self-study credit
26 hours contained in a certified course shall be considered

1 classroom hours when at least two-thirds of the hours are
2 given as classroom or seminar instruction.

3 (2) An insurance producer license automatically
4 terminates when an insurance producer fails to
5 successfully meet the requirements of paragraph item (1)
6 of this subsection ~~(b) of this Section~~. The producer must
7 complete the course in advance of the renewal date to
8 allow the education provider time to report the credit to
9 the Department.

10 (3) An insurance producer's active participation in a
11 State or national professional insurance association may
12 be approved by the Director for up to 4 hours of continuing
13 education credit per biennial reporting period. Credit
14 shall be provided on an hour-for-hour basis. These hours
15 shall be verified and submitted by the association on
16 behalf of the insurance producer and credited upon timely
17 filing with the Director or his or her designee on a
18 biennial basis. Any association submitting continuing
19 education credit hours on behalf of insurance producers
20 must be registered as an education provider under Section
21 500-135. Credit granted under these provisions shall not
22 be used to satisfy ethics education requirements. Active
23 participation in a State or national professional
24 insurance association is defined by one of the following
25 methods:

26 (A) service on a board of directors of a State or

1 national chapter of the association;

2 (B) service on a formal committee of a State or
3 national chapter of the association; or

4 (C) service on a formal subcommittee or task force
5 of a State or national chapter of the association.

6 (c) A provider of a pre-licensing or continuing education
7 course required by Section 500-30 and this Section must pay a
8 registration fee and a course certification fee for each
9 course being certified as provided by Section 500-135.

10 (d) An individual insurance producer who allows his or her
11 license to lapse may, within 12 months after the due date of
12 the renewal fee, be issued a license without the necessity of
13 passing a written examination. However, a penalty in the
14 amount of double the unpaid renewal fee shall be required
15 after the due date.

16 (e) A licensed insurance producer who is unable to comply
17 with license renewal procedures due to military service may
18 request a waiver of those procedures.

19 (f) The license must contain the licensee's name, address,
20 and personal identification number, the date of issuance, the
21 lines of authority, the expiration date, and any other
22 information the Director deems necessary.

23 (g) Licensees must inform the Director by any means
24 acceptable to the Director of a change of address within 30
25 days after the change.

26 (h) In order to assist in the performance of the

1 Director's duties, the Director may contract with a
2 non-governmental entity including the National Association of
3 Insurance Commissioners (NAIC), or any affiliates or
4 subsidiaries that the NAIC oversees, to perform any
5 ministerial functions, including collection of fees, related
6 to producer licensing that the Director and the
7 non-governmental entity may deem appropriate.

8 (Source: P.A. 102-766, eff. 1-1-23; revised 10-23-24.)

9 (215 ILCS 5/511.109) (from Ch. 73, par. 1065.58-109)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 511.109. Examination. ~~(a)~~ The Director or the
12 Director's designee may examine any applicant for or holder of
13 an administrator's license in accordance with Sections 132
14 through 132.7. If the Director or the examiners find that the
15 administrator has violated this Article or any other
16 insurance-related laws, rules, or regulations under the
17 Director's jurisdiction because of the manner in which the
18 administrator has conducted business on behalf of an insurer
19 or plan sponsor, then, unless the insurer or plan sponsor is
20 included in the examination and has been afforded the same
21 opportunity to request or participate in a hearing on the
22 examination report, the examination report shall not allege a
23 violation by the insurer or plan sponsor and the Director's
24 order based on the report shall not impose any requirements,
25 prohibitions, or penalties on the insurer or plan sponsor.

1 Nothing in this Section shall prevent the Director from using
2 any information obtained during the examination of an
3 administrator to examine, investigate, or take other
4 appropriate regulatory or legal action with respect to an
5 insurer or plan sponsor.

6 (Source: P.A. 103-897, eff. 1-1-25; revised 11-22-24.)

7 (215 ILCS 5/534.3) (from Ch. 73, par. 1065.84-3)

8 Sec. 534.3. Covered claim; unearned premium defined.

9 (a) "Covered claim" means an unpaid claim for a loss
10 arising out of and within the coverage of an insurance policy
11 to which this Article applies and which is in force at the time
12 of the occurrence giving rise to the unpaid claim, including
13 claims presented during any extended discovery period which
14 was purchased from the company before the entry of a
15 liquidation order or which is purchased or obtained from the
16 liquidator after the entry of a liquidation order, made by a
17 person insured under such policy or by a person suffering
18 injury or damage for which a person insured under such policy
19 is legally liable, and for unearned premium, if:

20 (i) The company issuing, assuming, or being allocated
21 the policy becomes an insolvent company as defined in
22 Section 534.4 after the effective date of this Article;
23 and

24 (ii) The claimant or insured is a resident of this
25 State at the time of the insured occurrence, or the

1 property from which a first-party ~~first-party~~ claim for
2 damage to property arises is permanently located in this
3 State or, in the case of an unearned premium claim, the
4 policyholder is a resident of this State at the time the
5 policy was issued; provided, that for entities other than
6 an individual, the residence of a claimant, insured, or
7 policyholder is the state in which its principal place of
8 business is located at the time of the insured event.

9 (b) "Covered claim" does not include:

10 (i) any amount in excess of the applicable limits of
11 liability provided by an insurance policy to which this
12 Article applies; nor

13 (ii) any claim for punitive or exemplary damages or
14 fines and penalties paid to government authorities; nor

15 (iii) any first-party ~~first-party~~ claim by an insured
16 who is an affiliate of the insolvent company; nor

17 (iv) any first-party ~~first-party~~ or third-party ~~third~~
18 ~~party~~ claim by or against an insured whose net worth on
19 December 31 of the year next preceding the date the
20 insurer becomes an insolvent insurer exceeds \$25,000,000;
21 provided that an insured's net worth on such date shall be
22 deemed to include the aggregate net worth of the insured
23 and all of its affiliates as calculated on a consolidated
24 basis. However, this exclusion shall not apply to
25 third-party ~~third-party~~ claims against the insured where
26 the insured has applied for or consented to the

1 appointment of a receiver, trustee, or liquidator for all
2 or a substantial part of its assets, filed a voluntary
3 petition in bankruptcy, filed a petition or an answer
4 seeking a reorganization or arrangement with creditors or
5 to take advantage of any insolvency law, or if an order,
6 judgment, or decree is entered by a court of competent
7 jurisdiction, on the application of a creditor,
8 adjudicating the insured bankrupt or insolvent or
9 approving a petition seeking reorganization of the insured
10 or of all or substantial part of its assets; nor

11 (v) any claim for any amount due any reinsurer,
12 insurer, insurance pool, or underwriting association as
13 subrogated recoveries, reinsurance recoverables,
14 contribution, indemnification or otherwise. No such claim
15 held by a reinsurer, insurer, insurance pool, or
16 underwriting association may be asserted in any legal
17 action against a person insured under a policy issued by
18 an insolvent company other than to the extent such claim
19 exceeds the Fund obligation limitations set forth in
20 Section 537.2 of this Code.

21 (c) "Unearned Premium" means the premium for the unexpired
22 period of a policy which has been terminated prior to the
23 expiration of the period for which premium has been paid and
24 does not mean premium which is returnable to the insured for
25 any other reason.

26 (Source: P.A. 101-60, eff. 7-12-19; 102-558, eff. 8-20-21;

revised 7-23-24.)

Section 760. The Network Adequacy and Transparency Act is amended by changing Section 3 as follows:

(215 ILCS 124/3)

Sec. 3. Applicability of Act. This Act applies to an individual or group policy of health insurance coverage with a network plan amended, delivered, issued, or renewed in this State on or after January 1, 2019. This Act does not apply to an individual or group policy for excepted benefits or short-term, limited-duration health insurance coverage with a network plan, except to the extent that federal law establishes network adequacy and transparency standards for stand-alone dental plans, which the Department shall enforce for plans amended, delivered, issued, or renewed on or after January 1, 2025.

(Source: P.A. 103-650, eff. 1-1-25; 103-777, eff. 1-1-25; revised 11-26-24.)

Section 765. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

(Text of Section before amendment by P.A. 103-808)

Sec. 5-3. Insurance Code provisions.

1 (a) Health Maintenance Organizations shall be subject to
2 the provisions of Sections 133, 134, 136, 137, 139, 140,
3 141.1, 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151,
4 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a,
5 155.49, 352c, 355.2, 355.3, 355.6, 355b, 355c, 356f, 356g.5-1,
6 356m, 356q, 356u.10, 356v, 356w, 356x, 356z.2, 356z.3a,
7 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10,
8 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18,
9 356z.19, 356z.20, 356z.21, 356z.22, 356z.23, 356z.24, 356z.25,
10 356z.26, 356z.28, 356z.29, 356z.30, 356z.31, 356z.32, 356z.33,
11 356z.34, 356z.35, 356z.36, 356z.37, 356z.38, 356z.39, 356z.40,
12 356z.40a, 356z.41, 356z.44, 356z.45, 356z.46, 356z.47,
13 356z.48, 356z.49, 356z.50, 356z.51, 356z.53, 356z.54, 356z.55,
14 356z.56, 356z.57, 356z.58, 356z.59, 356z.60, 356z.61, 356z.62,
15 356z.63, 356z.64, 356z.65, 356z.66, 356z.67, 356z.68, 356z.69,
16 356z.70, 356z.71, 356z.72, 356z.73, 356z.74, 356z.75, 356z.77,
17 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b, 368c,
18 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408,
19 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection
20 (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2,
21 XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois
22 Insurance Code.

23 (b) For purposes of the Illinois Insurance Code, except
24 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,
25 Health Maintenance Organizations in the following categories
26 are deemed to be "domestic companies":

1 (1) a corporation authorized under the Dental Service
2 Plan Act or the Voluntary Health Services Plans Act;

3 (2) a corporation organized under the laws of this
4 State; or

5 (3) a corporation organized under the laws of another
6 state, 30% or more of the enrollees of which are residents
7 of this State, except a corporation subject to
8 substantially the same requirements in its state of
9 organization as is a "domestic company" under Article VIII
10 1/2 of the Illinois Insurance Code.

11 (c) In considering the merger, consolidation, or other
12 acquisition of control of a Health Maintenance Organization
13 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

14 (1) the Director shall give primary consideration to
15 the continuation of benefits to enrollees and the
16 financial conditions of the acquired Health Maintenance
17 Organization after the merger, consolidation, or other
18 acquisition of control takes effect;

19 (2) (i) the criteria specified in subsection (1) (b) of
20 Section 131.8 of the Illinois Insurance Code shall not
21 apply and (ii) the Director, in making his determination
22 with respect to the merger, consolidation, or other
23 acquisition of control, need not take into account the
24 effect on competition of the merger, consolidation, or
25 other acquisition of control;

26 (3) the Director shall have the power to require the

1 following information:

2 (A) certification by an independent actuary of the
3 adequacy of the reserves of the Health Maintenance
4 Organization sought to be acquired;

5 (B) pro forma financial statements reflecting the
6 combined balance sheets of the acquiring company and
7 the Health Maintenance Organization sought to be
8 acquired as of the end of the preceding year and as of
9 a date 90 days prior to the acquisition, as well as pro
10 forma financial statements reflecting projected
11 combined operation for a period of 2 years;

12 (C) a pro forma business plan detailing an
13 acquiring party's plans with respect to the operation
14 of the Health Maintenance Organization sought to be
15 acquired for a period of not less than 3 years; and

16 (D) such other information as the Director shall
17 require.

18 (d) The provisions of Article VIII 1/2 of the Illinois
19 Insurance Code and this Section 5-3 shall apply to the sale by
20 any health maintenance organization of greater than 10% of its
21 enrollee population (including, without limitation, the health
22 maintenance organization's right, title, and interest in and
23 to its health care certificates).

24 (e) In considering any management contract or service
25 agreement subject to Section 141.1 of the Illinois Insurance
26 Code, the Director (i) shall, in addition to the criteria

1 specified in Section 141.2 of the Illinois Insurance Code,
2 take into account the effect of the management contract or
3 service agreement on the continuation of benefits to enrollees
4 and the financial condition of the health maintenance
5 organization to be managed or serviced, and (ii) need not take
6 into account the effect of the management contract or service
7 agreement on competition.

8 (f) Except for small employer groups as defined in the
9 Small Employer Rating, Renewability and Portability Health
10 Insurance Act and except for medicare supplement policies as
11 defined in Section 363 of the Illinois Insurance Code, a
12 Health Maintenance Organization may by contract agree with a
13 group or other enrollment unit to effect refunds or charge
14 additional premiums under the following terms and conditions:

15 (i) the amount of, and other terms and conditions with
16 respect to, the refund or additional premium are set forth
17 in the group or enrollment unit contract agreed in advance
18 of the period for which a refund is to be paid or
19 additional premium is to be charged (which period shall
20 not be less than one year); and

21 (ii) the amount of the refund or additional premium
22 shall not exceed 20% of the Health Maintenance
23 Organization's profitable or unprofitable experience with
24 respect to the group or other enrollment unit for the
25 period (and, for purposes of a refund or additional
26 premium, the profitable or unprofitable experience shall

1 be calculated taking into account a pro rata share of the
2 Health Maintenance Organization's administrative and
3 marketing expenses, but shall not include any refund to be
4 made or additional premium to be paid pursuant to this
5 subsection (f)). The Health Maintenance Organization and
6 the group or enrollment unit may agree that the profitable
7 or unprofitable experience may be calculated taking into
8 account the refund period and the immediately preceding 2
9 plan years.

10 The Health Maintenance Organization shall include a
11 statement in the evidence of coverage issued to each enrollee
12 describing the possibility of a refund or additional premium,
13 and upon request of any group or enrollment unit, provide to
14 the group or enrollment unit a description of the method used
15 to calculate (1) the Health Maintenance Organization's
16 profitable experience with respect to the group or enrollment
17 unit and the resulting refund to the group or enrollment unit
18 or (2) the Health Maintenance Organization's unprofitable
19 experience with respect to the group or enrollment unit and
20 the resulting additional premium to be paid by the group or
21 enrollment unit.

22 In no event shall the Illinois Health Maintenance
23 Organization Guaranty Association be liable to pay any
24 contractual obligation of an insolvent organization to pay any
25 refund authorized under this Section.

26 (g) Rulemaking authority to implement Public Act 95-1045,

1 if any, is conditioned on the rules being adopted in
2 accordance with all provisions of the Illinois Administrative
3 Procedure Act and all rules and procedures of the Joint
4 Committee on Administrative Rules; any purported rule not so
5 adopted, for whatever reason, is unauthorized.

6 (Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;
7 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
8 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,
9 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;
10 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.
11 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,
12 eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24;
13 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff.
14 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,
15 eff. 1-1-24; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24;
16 103-618, eff. 1-1-25; 103-649, eff. 1-1-25; 103-656, eff.
17 1-1-25; 103-700, eff. 1-1-25; 103-718, eff. 7-19-24; 103-751,
18 eff. 8-2-24; 103-753, eff. 8-2-24; 103-758, eff. 1-1-25;
19 103-777, eff. 8-2-24; 103-914, eff. 1-1-25; 103-918, eff.
20 1-1-25; 103-1024, eff. 1-1-25; revised 9-26-24.)

21 (Text of Section after amendment by P.A. 103-808)

22 Sec. 5-3. Insurance Code provisions.

23 (a) Health Maintenance Organizations shall be subject to
24 the provisions of Sections 133, 134, 136, 137, 139, 140,
25 141.1, 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151,

1 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a,
2 155.49, 352c, 355.2, 355.3, 355.6, 355b, 355c, 356f, 356g,
3 356g.5-1, 356m, 356q, 356u.10, 356v, 356w, 356x, 356z.2,
4 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9,
5 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17,
6 356z.18, 356z.19, 356z.20, 356z.21, 356z.22, 356z.23, 356z.24,
7 356z.25, 356z.26, 356z.28, 356z.29, 356z.30, 356z.31, 356z.32,
8 356z.33, 356z.34, 356z.35, 356z.36, 356z.37, 356z.38, 356z.39,
9 356z.40, 356z.40a, 356z.41, 356z.44, 356z.45, 356z.46,
10 356z.47, 356z.48, 356z.49, 356z.50, 356z.51, 356z.53, 356z.54,
11 356z.55, 356z.56, 356z.57, 356z.58, 356z.59, 356z.60, 356z.61,
12 356z.62, 356z.63, 356z.64, 356z.65, 356z.66, 356z.67, 356z.68,
13 356z.69, 356z.70, 356z.71, 356z.72, 356z.73, 356z.74, 356z.75,
14 356z.77, 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b,
15 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A,
16 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of
17 subsection (2) of Section 367, and Articles IIA, VIII 1/2,
18 XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the
19 Illinois Insurance Code.

20 (b) For purposes of the Illinois Insurance Code, except
21 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,
22 Health Maintenance Organizations in the following categories
23 are deemed to be "domestic companies":

24 (1) a corporation authorized under the Dental Service
25 Plan Act or the Voluntary Health Services Plans Act;

26 (2) a corporation organized under the laws of this

1 State; or

2 (3) a corporation organized under the laws of another
3 state, 30% or more of the enrollees of which are residents
4 of this State, except a corporation subject to
5 substantially the same requirements in its state of
6 organization as is a "domestic company" under Article VIII
7 1/2 of the Illinois Insurance Code.

8 (c) In considering the merger, consolidation, or other
9 acquisition of control of a Health Maintenance Organization
10 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

11 (1) the Director shall give primary consideration to
12 the continuation of benefits to enrollees and the
13 financial conditions of the acquired Health Maintenance
14 Organization after the merger, consolidation, or other
15 acquisition of control takes effect;

16 (2) (i) the criteria specified in subsection (1) (b) of
17 Section 131.8 of the Illinois Insurance Code shall not
18 apply and (ii) the Director, in making his determination
19 with respect to the merger, consolidation, or other
20 acquisition of control, need not take into account the
21 effect on competition of the merger, consolidation, or
22 other acquisition of control;

23 (3) the Director shall have the power to require the
24 following information:

25 (A) certification by an independent actuary of the
26 adequacy of the reserves of the Health Maintenance

1 Organization sought to be acquired;

2 (B) pro forma financial statements reflecting the
3 combined balance sheets of the acquiring company and
4 the Health Maintenance Organization sought to be
5 acquired as of the end of the preceding year and as of
6 a date 90 days prior to the acquisition, as well as pro
7 forma financial statements reflecting projected
8 combined operation for a period of 2 years;

9 (C) a pro forma business plan detailing an
10 acquiring party's plans with respect to the operation
11 of the Health Maintenance Organization sought to be
12 acquired for a period of not less than 3 years; and

13 (D) such other information as the Director shall
14 require.

15 (d) The provisions of Article VIII 1/2 of the Illinois
16 Insurance Code and this Section 5-3 shall apply to the sale by
17 any health maintenance organization of greater than 10% of its
18 enrollee population (including, without limitation, the health
19 maintenance organization's right, title, and interest in and
20 to its health care certificates).

21 (e) In considering any management contract or service
22 agreement subject to Section 141.1 of the Illinois Insurance
23 Code, the Director (i) shall, in addition to the criteria
24 specified in Section 141.2 of the Illinois Insurance Code,
25 take into account the effect of the management contract or
26 service agreement on the continuation of benefits to enrollees

1 and the financial condition of the health maintenance
2 organization to be managed or serviced, and (ii) need not take
3 into account the effect of the management contract or service
4 agreement on competition.

5 (f) Except for small employer groups as defined in the
6 Small Employer Rating, Renewability and Portability Health
7 Insurance Act and except for medicare supplement policies as
8 defined in Section 363 of the Illinois Insurance Code, a
9 Health Maintenance Organization may by contract agree with a
10 group or other enrollment unit to effect refunds or charge
11 additional premiums under the following terms and conditions:

12 (i) the amount of, and other terms and conditions with
13 respect to, the refund or additional premium are set forth
14 in the group or enrollment unit contract agreed in advance
15 of the period for which a refund is to be paid or
16 additional premium is to be charged (which period shall
17 not be less than one year); and

18 (ii) the amount of the refund or additional premium
19 shall not exceed 20% of the Health Maintenance
20 Organization's profitable or unprofitable experience with
21 respect to the group or other enrollment unit for the
22 period (and, for purposes of a refund or additional
23 premium, the profitable or unprofitable experience shall
24 be calculated taking into account a pro rata share of the
25 Health Maintenance Organization's administrative and
26 marketing expenses, but shall not include any refund to be

1 made or additional premium to be paid pursuant to this
2 subsection (f)). The Health Maintenance Organization and
3 the group or enrollment unit may agree that the profitable
4 or unprofitable experience may be calculated taking into
5 account the refund period and the immediately preceding 2
6 plan years.

7 The Health Maintenance Organization shall include a
8 statement in the evidence of coverage issued to each enrollee
9 describing the possibility of a refund or additional premium,
10 and upon request of any group or enrollment unit, provide to
11 the group or enrollment unit a description of the method used
12 to calculate (1) the Health Maintenance Organization's
13 profitable experience with respect to the group or enrollment
14 unit and the resulting refund to the group or enrollment unit
15 or (2) the Health Maintenance Organization's unprofitable
16 experience with respect to the group or enrollment unit and
17 the resulting additional premium to be paid by the group or
18 enrollment unit.

19 In no event shall the Illinois Health Maintenance
20 Organization Guaranty Association be liable to pay any
21 contractual obligation of an insolvent organization to pay any
22 refund authorized under this Section.

23 (g) Rulemaking authority to implement Public Act 95-1045,
24 if any, is conditioned on the rules being adopted in
25 accordance with all provisions of the Illinois Administrative
26 Procedure Act and all rules and procedures of the Joint

1 Committee on Administrative Rules; any purported rule not so
2 adopted, for whatever reason, is unauthorized.

3 (Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;
4 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
5 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,
6 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;
7 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.
8 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,
9 eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24;
10 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff.
11 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,
12 eff. 1-1-24; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24;
13 103-618, eff. 1-1-25; 103-649, eff. 1-1-25; 103-656, eff.
14 1-1-25; 103-700, eff. 1-1-25; 103-718, eff. 7-19-24; 103-751,
15 eff. 8-2-24; 103-753, eff. 8-2-24; 103-758, eff. 1-1-25;
16 103-777, eff. 8-2-24; 103-808, eff. 1-1-26; 103-914, eff.
17 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; revised
18 11-26-24.)

19 Section 770. The Limited Health Service Organization Act
20 is amended by changing Section 4003 as follows:

21 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

22 Sec. 4003. Illinois Insurance Code provisions. Limited
23 health service organizations shall be subject to the
24 provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,

1 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151, 152, 153,
2 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 155.49, 352c,
3 355.2, 355.3, 355b, 355d, 356m, 356q, 356v, 356z.4, 356z.4a,
4 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.32,
5 356z.33, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54,
6 356z.57, 356z.59, 356z.61, 356z.64, 356z.67, 356z.68, 356z.71,
7 356z.73, 356z.74, 356z.75, 364.3, 368a, 401, 401.1, 402, 403,
8 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA,
9 VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the
10 Illinois Insurance Code. Nothing in this Section shall require
11 a limited health care plan to cover any service that is not a
12 limited health service. For purposes of the Illinois Insurance
13 Code, except for Sections 444 and 444.1 and Articles XIII and
14 XIII 1/2, limited health service organizations in the
15 following categories are deemed to be domestic companies:

16 (1) a corporation under the laws of this State; or

17 (2) a corporation organized under the laws of another
18 state, 30% or more of the enrollees of which are residents
19 of this State, except a corporation subject to
20 substantially the same requirements in its state of
21 organization as is a domestic company under Article VIII
22 1/2 of the Illinois Insurance Code.

23 (Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22;
24 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-731, eff.
25 1-1-23; 102-775, eff. 5-13-22; 102-813, eff. 5-13-22; 102-816,
26 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;

1 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff.
2 1-1-24; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,
3 eff. 1-1-24; 103-605, eff. 7-1-24; 103-649, eff. 1-1-25;
4 103-656, eff. 1-1-25; 103-700, eff. 1-1-25; 103-718, eff.
5 7-19-24; 103-751, eff. 8-2-24; 103-758, eff. 1-1-25; 103-832,
6 eff. 1-1-25; 103-1024, eff. 1-1-25; revised 11-26-24.)

7 Section 775. The Managed Care Reform and Patient Rights
8 Act is amended by changing Section 10 as follows:

9 (215 ILCS 134/10)

10 Sec. 10. Definitions. In this Act:

11 For a health care plan under Section 45 or for a
12 utilization review program under Section 85, "adverse
13 determination" has the meaning given to that term in Section
14 10 of the Health Carrier External Review Act.

15 "Clinical peer" means a health care professional who is in
16 the same profession and the same or similar specialty as the
17 health care provider who typically manages the medical
18 condition, procedures, or treatment under review.

19 "Department" means the Department of Insurance.

20 "Emergency medical condition" means a medical condition
21 manifesting itself by acute symptoms of sufficient severity,
22 regardless of the final diagnosis given, such that a prudent
23 layperson, who possesses an average knowledge of health and
24 medicine, could reasonably expect the absence of immediate

1 medical attention to result in:

2 (1) placing the health of the individual (or, with
3 respect to a pregnant woman, the health of the woman or her
4 unborn child) in serious jeopardy;

5 (2) serious impairment to bodily functions;

6 (3) serious dysfunction of any bodily organ or part;

7 (4) inadequately controlled pain; or

8 (5) with respect to a pregnant woman who is having
9 contractions:

10 (A) inadequate time to complete a safe transfer to
11 another hospital before delivery; or

12 (B) a transfer to another hospital may pose a
13 threat to the health or safety of the woman or unborn
14 child.

15 "Emergency medical screening examination" means a medical
16 screening examination and evaluation by a physician licensed
17 to practice medicine in all its branches, or to the extent
18 permitted by applicable laws, by other appropriately licensed
19 personnel under the supervision of or in collaboration with a
20 physician licensed to practice medicine in all its branches to
21 determine whether the need for emergency services exists.

22 "Emergency services" means, with respect to an enrollee of
23 a health care plan, transportation services, including but not
24 limited to ambulance services, and covered inpatient and
25 outpatient hospital services furnished by a provider qualified
26 to furnish those services that are needed to evaluate or

1 stabilize an emergency medical condition. "Emergency services"
2 does not refer to post-stabilization medical services.

3 "Enrollee" means any person and his or her dependents
4 enrolled in or covered by a health care plan.

5 "Generally accepted standards of care" means standards of
6 care and clinical practice that are generally recognized by
7 health care providers practicing in relevant clinical
8 specialties for the illness, injury, or condition or its
9 symptoms and comorbidities. Valid, evidence-based sources
10 reflecting generally accepted standards of care include
11 peer-reviewed scientific studies and medical literature,
12 recommendations of nonprofit health care provider professional
13 associations and specialty societies, including, but not
14 limited to, patient placement criteria and clinical practice
15 guidelines, recommendations of federal government agencies,
16 and drug labeling approved by the United States Food and Drug
17 Administration.

18 "Health care plan" means a plan, including, but not
19 limited to, a health maintenance organization, a managed care
20 community network as defined in the Illinois Public Aid Code,
21 or an accountable care entity as defined in the Illinois
22 Public Aid Code that receives capitated payments to cover
23 medical services from the Department of Healthcare and Family
24 Services, that establishes, operates, or maintains a network
25 of health care providers that has entered into an agreement
26 with the plan to provide health care services to enrollees to

1 whom the plan has the ultimate obligation to arrange for the
2 provision of or payment for services through organizational
3 arrangements for ongoing quality assurance, utilization review
4 programs, or dispute resolution. Nothing in this definition
5 shall be construed to mean that an independent practice
6 association or a physician hospital organization that
7 subcontracts with a health care plan is, for purposes of that
8 subcontract, a health care plan.

9 For purposes of this definition, "health care plan" shall
10 not include the following:

11 (1) indemnity health insurance policies including
12 those using a contracted provider network;

13 (2) health care plans that offer only dental or only
14 vision coverage;

15 (3) preferred provider administrators, as defined in
16 Section 370g(g) of the Illinois Insurance Code;

17 (4) employee or employer self-insured health benefit
18 plans under the federal Employee Retirement Income
19 Security Act of 1974;

20 (5) health care provided pursuant to the Workers'
21 Compensation Act or the Workers' Occupational Diseases
22 Act; and

23 (6) except with respect to subsections (a) and (b) of
24 Section 65 and subsection (a-5) of Section 70,
25 not-for-profit voluntary health services plans with health
26 maintenance organization authority in existence as of

1 January 1, 1999 that are affiliated with a union and that
2 only extend coverage to union members and their
3 dependents.

4 "Health care professional" means a physician, a registered
5 professional nurse, or other individual appropriately licensed
6 or registered to provide health care services.

7 "Health care provider" means any physician, hospital
8 facility, facility licensed under the Nursing Home Care Act,
9 long-term care facility as defined in Section 1-113 of the
10 Nursing Home Care Act, or other person that is licensed or
11 otherwise authorized to deliver health care services. Nothing
12 in this Act shall be construed to define Independent Practice
13 Associations or Physician-Hospital Organizations as health
14 care providers.

15 "Health care services" means any services included in the
16 furnishing to any individual of medical care, or the
17 hospitalization incident to the furnishing of such care, as
18 well as the furnishing to any person of any and all other
19 services for the purpose of preventing, alleviating, curing,
20 or healing human illness or injury including behavioral
21 health, mental health, home health, and pharmaceutical
22 services and products.

23 "Medical director" means a physician licensed in any state
24 to practice medicine in all its branches appointed by a health
25 care plan.

26 "Medically necessary" means that a service or product

1 addresses the specific needs of a patient for the purpose of
2 screening, preventing, diagnosing, managing, or treating an
3 illness, injury, or condition or its symptoms and
4 comorbidities, including minimizing the progression of an
5 illness, injury, or condition or its symptoms and
6 comorbidities, in a manner that is all of the following:

7 (1) in accordance with generally accepted standards of
8 care;

9 (2) clinically appropriate in terms of type,
10 frequency, extent, site, and duration; and

11 (3) not primarily for the economic benefit of the
12 health care plan, purchaser, or utilization review
13 organization, or for the convenience of the patient,
14 treating physician, or other health care provider.

15 "Person" means a corporation, association, partnership,
16 limited liability company, sole proprietorship, or any other
17 legal entity.

18 "Physician" means a person licensed under the Medical
19 Practice Act of 1987.

20 "Post-stabilization medical services" means health care
21 services provided to an enrollee that are furnished in a
22 licensed hospital by a provider that is qualified to furnish
23 such services, and determined to be medically necessary and
24 directly related to the emergency medical condition following
25 stabilization.

26 "Stabilization" means, with respect to an emergency

1 medical condition, to provide such medical treatment of the
2 condition as may be necessary to assure, within reasonable
3 medical probability, that no material deterioration of the
4 condition is likely to result.

5 "Step therapy requirement" means a utilization review or
6 formulary requirement that specifies, as a condition of
7 coverage under a health care plan, the order in which certain
8 health care services must be used to treat or manage an
9 enrollee's health condition.

10 "Step therapy requirement" does not include:

11 (1) utilization review to identify when a treatment or
12 health care service is contraindicated or clinically
13 appropriate or to limit quantity or dosage for an enrollee
14 based on utilization review criteria consistent with
15 generally accepted standards of care developed in
16 accordance with Section 87 of this Act;

17 (2) the removal of a drug from a formulary or changing
18 the drug's preferred or cost-sharing tier to higher cost
19 sharing;

20 (3) use of the medical exceptions process under
21 Section 45.1 of this Act; any decision during a medical
22 exceptions process based on cost is step therapy and
23 prohibited;

24 (4) a requirement to obtain prior authorization for
25 the requested treatment; or

26 (5) for health care plans operated or overseen by the

1 Department of Healthcare and Family Services, including
2 Medicaid managed care plans, any utilization controls
3 mandated by 42 CFR 456.703 or a preferred drug list as
4 described in Section 5-30.14 of the Illinois Public Aid
5 Code.

6 "Utilization review" means the evaluation, including any
7 evaluation based on an algorithmic automated process, of the
8 medical necessity, appropriateness, and efficiency of the use
9 of health care services, procedures, and facilities.

10 "Utilization review" includes either of the following:

11 (1) prospectively, retrospectively, or concurrently
12 reviewing and approving, modifying, delaying, or denying,
13 based, in whole or in part, on medical necessity, requests
14 by health care providers, enrollees, or their authorized
15 representatives for coverage of health care services
16 before, retrospectively, or concurrently with the
17 provision of health care services to enrollees; or

18 (2) evaluating the medical necessity, appropriateness,
19 level of care, service intensity, efficacy, or efficiency
20 of health care services, benefits, procedures, or
21 settings, under any circumstances, to determine whether a
22 health care service or benefit subject to a medical
23 necessity coverage requirement in a health care plan is
24 covered as medically necessary for an enrollee.

25 "Utilization review criteria" means criteria, standards,
26 protocols, or guidelines used by a utilization review program

1 to conduct utilization review to ensure that a patient's care
2 is aligned with generally accepted standards of care and
3 consistent with State law.

4 "Utilization review program" means a program established
5 by a person to perform utilization review.

6 (Source: P.A. 102-409, eff. 1-1-22; 103-426, eff. 8-4-23;
7 103-650, eff. 1-1-25; 103-656, eff. 1-1-25; revised 11-26-24.)

8 Section 780. The Viatical Settlements Act of 2009 is
9 amended by changing Section 5 as follows:

10 (215 ILCS 159/5)

11 Sec. 5. Definitions. As used in this Act:

12 "Accredited investor" means an accredited investor as
13 defined in Rule 501(a) promulgated under the Securities Act of
14 1933 (15 U.S.C. 77 et seq.), as amended.

15 "Advertising" means any written, electronic, or printed
16 communication or any communication by means of recorded
17 telephone messages or transmitted on radio, television, the
18 Internet, or similar communications media, including film
19 strips, digital picture slides, motion pictures, and videos
20 published, disseminated, circulated, or placed before the
21 public in this State, for the purpose of creating an interest
22 in or inducing a person to sell, assign, devise, bequest, or
23 transfer the death benefit or ownership of a policy pursuant
24 to a viatical settlement contract.

1 "Alien licensee" means a licensee incorporated or
2 organized under the laws of any country other than the United
3 States.

4 "Business of viatical settlements" means any activity
5 involved in, but not limited to, the offering, soliciting,
6 negotiating, procuring, effectuating, purchasing, investing,
7 financing, monitoring, tracking, underwriting, selling,
8 transferring, assigning, pledging, or hypothecating or in any
9 other manner acquiring an interest in a life insurance policy
10 by means of a viatical settlement contract or other agreement.

11 "Chronically ill" means having been certified within the
12 preceding 12-month period by a licensed health professional
13 as:

14 (1) being unable to perform, without substantial
15 assistance from another individual and for at least 90
16 days due to a loss of functional capacity, at least 2
17 activities of daily living, including, but not limited to,
18 eating, toileting, transferring, bathing, dressing, or
19 continence;

20 (2) requiring substantial supervision to protect the
21 individual from threats to health and safety due to severe
22 cognitive impairment; or

23 (3) having a level of disability similar to that
24 described in paragraph (1) as determined by the Secretary
25 of Health and Human Services.

26 "Controlling person" means any person, firm, association,

1 or corporation that directly or indirectly has the power to
2 direct or cause to be directed the management, control, or
3 activities of the viatical settlement provider.

4 "Director" means the Director of the Division of Insurance
5 of the Department of Financial and Professional Regulation.

6 "Division" means the Division of Insurance of the
7 Department of Financial and Professional Regulation.

8 "Escrow agent" means an independent third-party person
9 who, pursuant to a written agreement signed by the viatical
10 settlement provider and viator, provides escrow services
11 related to the acquisition of a life insurance policy pursuant
12 to a viatical settlement contract. "Escrow agent" does not
13 include any person associated or affiliated with or under the
14 control of a licensee.

15 "Financial institution" means a financial institution as
16 defined by the Financial Institutions Insurance Sales Law in
17 Article XLIV of the Illinois Insurance Code.

18 "Financing entity" means an underwriter, placement agent,
19 lender, purchaser of securities, purchaser of a policy or
20 certificate from a viatical settlement provider, credit
21 enhancer, or an entity that has a direct ownership in a policy
22 that is the subject of a viatical settlement contract, and to
23 which both of the following apply:

24 (1) its principal activity related to the transaction
25 is providing funds to effect the viatical settlement or
26 purchase of one or more viaticated policies; and

1 (2) it has an agreement in writing with one or more
2 licensed viatical settlement providers to finance the
3 acquisition of viatical settlement contracts.

4 "Financing entity" does not include an investor that is not an
5 accredited investor.

6 "Financing transaction" means a transaction in which a
7 viatical settlement provider obtains financing from a
8 financing entity, including, without limitation, any secured
9 or unsecured financing, securitization transaction, or
10 securities offering that either is registered or exempt from
11 registration under federal and State securities law.

12 "Foreign licensee" means any viatical settlement provider
13 incorporated or organized under the laws of any state of the
14 United States other than this State.

15 "Insurance producer" means an insurance producer as
16 defined by Section 500-10 ~~10 of Article XXXI~~ of the Illinois
17 Insurance Code.

18 "Licensee" means a viatical settlement provider or
19 viatical settlement broker.

20 "Life expectancy provider" means a person who determines
21 or holds himself or herself out as determining life
22 expectancies or mortality ratings used to determine life
23 expectancies on behalf of or in connection with any of the
24 following:

25 (1) A viatical settlement provider, viatical
26 settlement broker, or person engaged in the business of

1 viatical settlements.

2 (2) A viatical investment as defined by Section 2.33
3 of the Illinois Securities Law of 1953 or a viatical
4 settlement contract.

5 "NAIC" means the National Association of Insurance
6 Commissioners.

7 "Person" means an individual or a legal entity, including,
8 without limitation, a partnership, limited liability company,
9 limited liability partnership, association, trust, business
10 trust, or corporation.

11 "Policy" means an individual or group policy, group
12 certificate, contract, or arrangement of insurance of the
13 class defined by subsection (a) of Section 4 of the Illinois
14 Insurance Code owned by a resident of this State, regardless
15 of whether delivered or issued for delivery in this State.

16 "Qualified institutional buyer" means a qualified
17 institutional buyer as defined in Rule 144 promulgated under
18 the Securities Act of 1933, as amended.

19 "Related provider trust" means a titling trust or other
20 trust established by a licensed viatical settlement provider
21 or a financing entity for the sole purpose of holding the
22 ownership or beneficial interest in purchased policies in
23 connection with a financing transaction. The trust shall have
24 a written agreement with the licensed viatical settlement
25 provider under which the licensed viatical settlement provider
26 is responsible for ensuring compliance with all statutory and

1 regulatory requirements and under which the trust agrees to
2 make all records and files related to viatical settlement
3 transactions available to the Director as if those records and
4 files were maintained directly by the licensed viatical
5 settlement provider.

6 "Special purpose entity" means a corporation, partnership,
7 trust, limited liability company, or other similar entity
8 formed only to provide, directly or indirectly, access to
9 institutional capital markets (i) for a financing entity or
10 licensed viatical settlement provider; or (ii) in connection
11 with a transaction in which the securities in the special
12 purposes entity are acquired by the viator or by qualified
13 institutional buyers or the securities pay a fixed rate of
14 return commensurate with established asset-backed
15 institutional capital markets.

16 "Stranger-originated life insurance" or "STOLI" means an
17 act, practice, or arrangement to initiate a life insurance
18 policy for the benefit of a third-party investor who, at the
19 time of policy origination, has no insurable interest in the
20 insured. STOLI practices include, but are not limited to,
21 cases in which life insurance is purchased with resources or
22 guarantees from or through a person or entity who, at the time
23 of policy inception, could not lawfully initiate the policy
24 himself or itself and where, at the time of policy inception,
25 there is an arrangement or agreement, whether verbal or
26 written, to directly or indirectly transfer the ownership of

1 the policy or policy benefits to a third party. Trusts created
2 to give the appearance of an insurable interest and used to
3 initiate policies for investors violate insurance interest
4 laws and the prohibition against wagering on life. STOLI
5 arrangements do not include lawful viatical settlement
6 contracts as permitted by this Act.

7 "Terminally ill" means certified by a physician as having
8 an illness or physical condition that reasonably is expected
9 to result in death in 24 months or less.

10 "Viatical settlement broker" means a licensed insurance
11 producer who has been issued a license pursuant to paragraph
12 (1) or (2) of subsection (a) of Section 500-35 of the Illinois
13 Insurance Code who, working exclusively on behalf of a viator
14 and for a fee, commission, or other valuable consideration,
15 offers, solicits, promotes, or attempts to negotiate viatical
16 settlement contracts between a viator and one or more viatical
17 settlement providers or one or more viatical settlement
18 brokers. "Viatical settlement broker" does not include an
19 attorney, a certified public accountant, or a financial
20 planner accredited by a nationally recognized accreditation
21 agency, who is retained to represent the viator and whose
22 compensation is not paid directly or indirectly by the
23 viatical settlement provider or purchaser.

24 "Viatical settlement contract" means any of the following:

25 (1) A written agreement between a viator and a
26 viatical settlement provider establishing the terms under

1 which compensation or anything of value is or will be
2 paid, which compensation or value is less than the
3 expected death benefits of the policy, in return for the
4 viator's present or future assignment, transfer, sale,
5 devise, or bequest of the death benefit or ownership of
6 any portion of the insurance policy.

7 (2) A written agreement for a loan or other lending
8 transaction, secured primarily by an individual life
9 insurance policy or an individual certificate of a group
10 life insurance policy.

11 (3) The transfer for compensation or value of
12 ownership of a beneficial interest in a trust or other
13 entity that owns such policy, if the trust or other entity
14 was formed or availed of for the principal purpose of
15 acquiring one or more life insurance contracts and the
16 life insurance contract insures the life of a person
17 residing in this State.

18 (4) A premium finance loan made for a life insurance
19 policy by a lender to a viator on, before, or after the
20 date of issuance of the policy in either of the following
21 situations:

22 (A) The viator or the insured receives a guarantee
23 of the viatical settlement value of the policy.

24 (B) The viator or the insured agrees to sell the
25 policy or any portion of the policy's death benefit on
26 any date before or after issuance of the policy.

1 "Viatical settlement contract" does not include any of the
2 following acts, practices, or arrangements listed ~~below~~ in
3 subparagraphs (a) through (i) of this definition of "viatical
4 settlement contract", unless part of a plan, scheme, device,
5 or artifice to avoid application of this Act; provided,
6 however, that the list of excluded items contained in
7 subparagraphs (a) through (i) is not intended to be an
8 exhaustive list and that an act, practice, or arrangement that
9 is not described below in subparagraphs (a) through (i) does
10 not necessarily constitute a viatical settlement contract:

11 (a) A policy loan or accelerated death benefit made by
12 the insurer pursuant to the policy's terms;

13 (b) Loan proceeds that are used solely to pay: (i)
14 premiums for the policy and (ii) the costs of the loan,
15 including, without limitation, interest, arrangement fees,
16 utilization fees and similar fees, closing costs, legal
17 fees and expenses, trustee fees and expenses, and
18 third-party ~~third party~~ collateral provider fees and
19 expenses, including fees payable to letter of credit
20 issuers;

21 (c) A loan made by a bank or other financial
22 institution in which the lender takes an interest in a
23 life insurance policy solely to secure repayment of a loan
24 or, if there is a default on the loan and the policy is
25 transferred, the transfer of such a policy by the lender,
26 provided that neither the default itself nor the transfer

1 of the policy in connection with the default is pursuant
2 to an agreement or understanding with any other person for
3 the purpose of evading regulation under this Act;

4 (d) A loan made by a lender that does not violate
5 Article XXXIIa of the Illinois Insurance Code, provided
6 that the premium finance loan is not described in this
7 Act;

8 (e) An agreement in which all the parties (i) are
9 closely related to the insured by blood or law or (ii) have
10 a lawful substantial economic interest in the continued
11 life, health, and bodily safety of the person insured, or
12 trusts established primarily for the benefit of such
13 parties;

14 (f) Any designation, consent, or agreement by an
15 insured who is an employee of an employer in connection
16 with the purchase by the employer, or trust established by
17 the employer, of life insurance on the life of the
18 employee;

19 (g) A bona fide business succession planning
20 arrangement: (i) between one or more shareholders in a
21 corporation or between a corporation and one or more of
22 its shareholders or one or more trusts established by its
23 shareholders; (ii) between one or more partners in a
24 partnership or between a partnership and one or more of
25 its partners or one or more trusts established by its
26 partners; or (iii) between one or more members in a

1 limited liability company or between a limited liability
2 company and one or more of its members or one or more
3 trusts established by its members;

4 (h) An agreement entered into by a service recipient,
5 or a trust established by the service recipient, and a
6 service provider, or a trust established by the service
7 provider, who performs significant services for the
8 service recipient's trade or business; or

9 (i) Any other contract, transaction, or arrangement
10 exempted from the definition of viatical settlement
11 contract by the Director based on the Director's
12 determination that the contract, transaction, or
13 arrangement is not of the type intended to be regulated by
14 this Act.

15 "Viatical settlement investment agent" means a person who
16 is an appointed or contracted agent of a licensed viatical
17 settlement provider who solicits or arranges the funding for
18 the purchase of a viatical settlement by a viatical settlement
19 purchaser and who is acting on behalf of a viatical settlement
20 provider. A viatical settlement investment agent is deemed to
21 represent the viatical settlement provider of whom the
22 viatical settlement investment agent is an appointed or
23 contracted agent.

24 "Viatical settlement provider" means a person, other than
25 a viator, who enters into or effectuates a viatical settlement
26 contract with a viator. "Viatical settlement provider" does

1 not include:

2 (1) a bank, savings bank, savings and loan
3 association, credit union, or other financial institution
4 that takes an assignment of a policy as collateral for a
5 loan;

6 (2) a financial institution or premium finance company
7 making premium finance loans and exempted by the Director
8 from the licensing requirement under the premium finance
9 laws where the institution or company takes an assignment
10 of a life insurance policy solely as collateral for a
11 premium finance loan;

12 (3) the issuer of the life insurance policy;

13 (4) an authorized or eligible insurer that provides
14 stop loss coverage or financial guaranty insurance to a
15 viatical settlement provider, purchaser, financing entity,
16 special purpose entity, or related provider trust;

17 (5) an ~~An~~ individual person who enters into or
18 effectuates no more than one viatical settlement contract
19 in a calendar year for the transfer of policies for any
20 value less than the expected death benefit;

21 (6) a financing entity;

22 (7) a special purpose entity;

23 (8) a related provider trust;

24 (9) a viatical settlement purchaser; or

25 (10) any other person that the Director determines is
26 consistent with the definition of viatical settlement

1 provider.

2 "Viatical settlement purchaser" means a person who
3 provides a sum of money as consideration for a life insurance
4 policy or an interest in the death benefits of a life insurance
5 policy, or a person who owns or acquires or is entitled to a
6 beneficial interest in a trust that owns a viatical settlement
7 contract or is the beneficiary of a life insurance policy, in
8 each case where such policy has been or will be the subject of
9 a viatical settlement contract, for the purpose of deriving an
10 economic benefit. "Viatical settlement purchaser" does not
11 include: (i) a licensee under this Act; (ii) an accredited
12 investor or qualified institutional buyer; (iii) a financing
13 entity; (iv) a special purpose entity; or (v) a related
14 provider trust.

15 "Viaticated policy" means a life insurance policy that has
16 been acquired by a viatical settlement provider pursuant to a
17 viatical settlement contract.

18 "Viator" means the owner of a life insurance policy or a
19 certificate holder under a group policy who enters or seeks to
20 enter into a viatical settlement contract. For the purposes of
21 this Act, a viator is not limited to an owner of a life
22 insurance policy or a certificate holder under a group policy
23 insuring the life of an individual with a terminal or chronic
24 illness or condition, except where specifically addressed.

25 "Viator" does not include:

26 (1) a licensee;

1 (2) a qualified institutional buyer;

2 (3) a financing entity;

3 (4) a special purpose entity; or

4 (5) a related provider trust.

5 (Source: P.A. 100-863, eff. 8-14-18; revised 7-23-24.)

6 Section 785. The Vision Care Plan Regulation Act is
7 amended by changing Section 5 as follows:

8 (215 ILCS 161/5)

9 Sec. 5. Definitions. As used in this Act:

10 "Covered materials" means materials for which
11 reimbursement from the vision care plan is provided to an eye
12 care provider by an enrollee's plan contract or for which a
13 reimbursement would be available but for the application of
14 the enrollee's contractual limitation of deductibles,
15 copayments, or coinsurance. "Covered materials" includes lens
16 treatment or coatings added to a spectacle lens if the base
17 spectacle lens is a covered material.

18 "Covered services" means services for which reimbursement
19 from the vision care plan is provided to an eye care provider
20 by an enrollee's plan contract or for which a reimbursement
21 would be available but for the application of the enrollee's
22 contractual plan limitation of deductibles, copayments, or
23 coinsurance regardless of how the benefits are listed in an
24 enrollee's benefit plan's definition of benefits.

1 "Enrollee" means any individual enrolled in a vision care
2 plan provided by a group, employer, or other entity that
3 purchases or supplies coverage for a vision care plan.

4 "Eye care provider" means a doctor of optometry licensed
5 pursuant to the Illinois Optometric Practice Act of 1987 or a
6 physician licensed to practice medicine in all of its branches
7 pursuant to the Medical Practice Act of 1987.

8 "Materials" means ophthalmic devices, including, but not
9 limited to:

10 (i) lenses, devices containing lenses, ophthalmic
11 frames, and other lens mounting apparatus, prisms, lens
12 treatments, and coatings;

13 (ii) contact lenses and prosthetic devices that
14 correct, relieve, or treat defects or abnormal conditions
15 of the human eye or adnexa; and

16 (iii) any devices that deliver medication or other
17 therapeutic treatment to the human eye or adnexa.

18 "Services" means the professional work performed by an eye
19 care provider.

20 "Subcontractor" means any company, group, or third-party
21 entity, including agents, servants, partially owned
22 ~~partially owned~~ or wholly owned ~~wholly owned~~ subsidiaries and
23 controlled organizations, that the vision care plan contracts
24 with to supply services or materials for an eye care provider
25 or enrollee to fulfill the benefit plan of a vision care plan.

26 "Vision care organization" means an entity formed under

1 the laws of this State or another state that issues a vision
2 care plan.

3 "Vision care plan" means a plan that creates, promotes,
4 sells, provides, advertises, or administers an integrated or
5 stand-alone plan that provides coverage for covered services
6 and covered materials.

7 (Source: P.A. 103-482, eff. 8-4-23; revised 7-23-24.)

8 Section 790. The Voluntary Health Services Plans Act is
9 amended by changing Section 10 as follows:

10 (215 ILCS 165/10) (from Ch. 32, par. 604)

11 Sec. 10. Application of Insurance Code provisions. Health
12 services plan corporations and all persons interested therein
13 or dealing therewith shall be subject to the provisions of
14 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,
15 143, 143.31, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3,
16 355b, 355d, 356g, 356g.5, 356g.5-1, 356m, 356q, 356r, 356t,
17 356u, 356u.10, 356v, 356w, 356x, 356y, 356z.1, 356z.2,
18 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9,
19 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18,
20 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30,
21 356z.32, 356z.32a, 356z.33, 356z.40, 356z.41, 356z.46,
22 356z.47, 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59,
23 356z.60, 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, 356z.71,
24 356z.72, 356z.74, 356z.75, 356z.77, 364.01, 364.3, 367.2,

1 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and
2 paragraphs (7) and (15) of Section 367 of the Illinois
3 Insurance Code.

4 Rulemaking authority to implement Public Act 95-1045, if
5 any, is conditioned on the rules being adopted in accordance
6 with all provisions of the Illinois Administrative Procedure
7 Act and all rules and procedures of the Joint Committee on
8 Administrative Rules; any purported rule not so adopted, for
9 whatever reason, is unauthorized.

10 (Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22;
11 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff.
12 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804,
13 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;
14 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff.
15 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,
16 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;
17 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-656, eff.
18 1-1-25; 103-718, eff. 7-19-24; 103-751, eff. 8-2-24; 103-753,
19 eff. 8-2-24; 103-758, eff. 1-1-25; 103-832, eff. 1-1-25;
20 103-914, eff. 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff.
21 1-1-25; revised 11-26-24.)

22 Section 795. The Health Carrier External Review Act is
23 amended by changing Section 10 as follows:

24 (215 ILCS 180/10)

1 Sec. 10. Definitions. For the purposes of this Act:

2 "Adverse determination" means:

3 (1) a determination by a health carrier or its
4 designee utilization review organization that, based upon
5 the health information provided for a covered person, a
6 request for a benefit, including any quantity, frequency,
7 duration, or other measurement of a benefit, under the
8 health carrier's health benefit plan upon application of
9 any utilization review technique does not meet the health
10 carrier's requirements for medical necessity,
11 appropriateness, health care setting, level of care, or
12 effectiveness or is determined to be experimental or
13 investigational and the requested benefit is therefore
14 denied, reduced, or terminated or payment is not provided
15 or made, in whole or in part, for the benefit;

16 (2) the denial, reduction, or termination of or
17 failure to provide or make payment, in whole or in part,
18 for a benefit based on a determination by a health carrier
19 or its designee utilization review organization that a
20 preexisting condition was present before the effective
21 date of coverage; or

22 (3) a rescission of coverage determination, which does
23 not include a cancellation or discontinuance of coverage
24 that is attributable to a failure to timely pay required
25 premiums or contributions toward ~~towards~~ the cost of
26 coverage.

1 "Adverse determination" includes unilateral
2 determinations that replace the requested health care service
3 with an approval of an alternative health care service without
4 the agreement of the covered person or the covered person's
5 attending provider for the requested health care service, or
6 that condition approval of the requested service on first
7 trying an alternative health care service, either if the
8 request was made under a medical exceptions procedure, or if
9 all of the following are true: (1) the requested service was
10 not excluded by name, description, or service category under
11 the written terms of coverage, (2) the alternative health care
12 service poses no greater risk to the patient based on
13 generally accepted standards of care, and (3) the alternative
14 health care service is at least as likely to produce the same
15 or better effect on the covered person's health as the
16 requested service based on generally accepted standards of
17 care. "Adverse determination" includes determinations made
18 based on any source of health information pertaining to the
19 covered person that is used to deny, reduce, replace,
20 condition, or terminate the benefit or payment. "Adverse
21 determination" includes determinations made in response to a
22 request for authorization when the request was submitted by
23 the health care provider regardless of whether the provider
24 gave notice to or obtained the consent of the covered person or
25 authorized representative to file the request. "Adverse
26 determination" does not include substitutions performed under

1 Section 19.5 or 25 of the Pharmacy Practice Act.

2 "Authorized representative" means:

3 (1) a person to whom a covered person has given
4 express written consent to represent the covered person
5 for purposes of this Law;

6 (2) a person authorized by law to provide substituted
7 consent for a covered person;

8 (3) a family member of the covered person or the
9 covered person's treating health care professional when
10 the covered person is unable to provide consent;

11 (4) a health care provider when the covered person's
12 health benefit plan requires that a request for a benefit
13 under the plan be initiated by the health care provider;
14 or

15 (5) in the case of an urgent care request, a health
16 care provider with knowledge of the covered person's
17 medical condition.

18 "Best evidence" means evidence based on:

19 (1) randomized clinical trials;

20 (2) if randomized clinical trials are not available,
21 then cohort studies or case-control studies;

22 (3) if items (1) and (2) are not available, then
23 case-series; or

24 (4) if items (1), (2), and (3) are not available, then
25 expert opinion.

26 "Case-series" means an evaluation of a series of patients

1 with a particular outcome, without the use of a control group.

2 "Clinical review criteria" means the written screening
3 procedures, decision abstracts, clinical protocols, and
4 practice guidelines used by a health carrier to determine the
5 necessity and appropriateness of health care services.

6 "Clinical review criteria" includes all utilization review
7 criteria as defined in Section 10 of the Managed Care Reform
8 and Patient Rights Act.

9 "Cohort study" means a prospective evaluation of 2 groups
10 of patients with only one group of patients receiving specific
11 intervention.

12 "Concurrent review" means a review conducted during a
13 patient's stay or course of treatment in a facility, the
14 office of a health care professional, or other inpatient or
15 outpatient health care setting.

16 "Covered benefits" or "benefits" means those health care
17 services to which a covered person is entitled under the terms
18 of a health benefit plan.

19 "Covered person" means a policyholder, subscriber,
20 enrollee, or other individual participating in a health
21 benefit plan.

22 "Director" means the Director of the Department of
23 Insurance.

24 "Emergency medical condition" means a medical condition
25 manifesting itself by acute symptoms of sufficient severity,
26 including, but not limited to, severe pain, such that a

1 prudent layperson who possesses an average knowledge of health
2 and medicine could reasonably expect the absence of immediate
3 medical attention to result in:

4 (1) placing the health of the individual or, with
5 respect to a pregnant woman, the health of the woman or her
6 unborn child, in serious jeopardy;

7 (2) serious impairment to bodily functions; or

8 (3) serious dysfunction of any bodily organ or part.

9 "Emergency services" means health care items and services
10 furnished or required to evaluate and treat an emergency
11 medical condition.

12 "Evidence-based standard" means the conscientious,
13 explicit, and judicious use of the current best evidence based
14 on an overall systematic review of the research in making
15 decisions about the care of individual patients.

16 "Expert opinion" means a belief or an interpretation by
17 specialists with experience in a specific area about the
18 scientific evidence pertaining to a particular service,
19 intervention, or therapy.

20 "Facility" means an institution providing health care
21 services or a health care setting.

22 "Final adverse determination" means an adverse
23 determination involving a covered benefit that has been upheld
24 by a health carrier, or its designee utilization review
25 organization, at the completion of the health carrier's
26 internal grievance process procedures as set forth by the

1 Managed Care Reform and Patient Rights Act or as set forth for
2 any additional authorization or internal appeal process
3 provided by contract between the health carrier and the
4 provider. "Final adverse determination" includes
5 determinations made in an appeal of a denial of prior
6 authorization when the appeal was submitted by the health care
7 provider regardless of whether the provider gave notice to or
8 obtained the consent of the covered person or authorized
9 representative to file an internal appeal.

10 "Health benefit plan" means a policy, contract,
11 certificate, plan, or agreement offered or issued by a health
12 carrier to provide, deliver, arrange for, pay for, or
13 reimburse any of the costs of health care services.

14 "Health care provider" or "provider" means a physician,
15 hospital facility, or other health care practitioner licensed,
16 accredited, or certified to perform specified health care
17 services consistent with State law, responsible for
18 recommending health care services on behalf of a covered
19 person.

20 "Health care services" means services for the diagnosis,
21 prevention, treatment, cure, or relief of a health condition,
22 illness, injury, or disease.

23 "Health carrier" means an entity subject to the insurance
24 laws and regulations of this State, or subject to the
25 jurisdiction of the Director, that contracts or offers to
26 contract to provide, deliver, arrange for, pay for, or

1 reimburse any of the costs of health care services, including
2 a sickness and accident insurance company, a health
3 maintenance organization, or any other entity providing a plan
4 of health insurance, health benefits, or health care services.

5 "Health carrier" also means Limited Health Service
6 Organizations (LHSO) and Voluntary Health Service Plans.

7 "Health information" means information or data, whether
8 oral or recorded in any form or medium, and personal facts or
9 information about events or relationships that relate to:

10 (1) the past, present, or future physical, mental, or
11 behavioral health or condition of an individual or a
12 member of the individual's family;

13 (2) the provision of health care services to an
14 individual; or

15 (3) payment for the provision of health care services
16 to an individual.

17 "Independent review organization" means an entity that
18 conducts independent external reviews of adverse
19 determinations and final adverse determinations.

20 "Medical or scientific evidence" means evidence found in
21 the following sources:

22 (1) peer-reviewed scientific studies published in or
23 accepted for publication by medical journals that meet
24 nationally recognized requirements for scientific
25 manuscripts and that submit most of their published
26 articles for review by experts who are not part of the

1 editorial staff;

2 (2) peer-reviewed medical literature, including
3 literature relating to therapies reviewed and approved by
4 a qualified institutional review board, biomedical
5 compendia, and other medical literature that meet the
6 criteria of the National Institutes of Health's Library of
7 Medicine for indexing in Index Medicus (Medline) and
8 Elsevier Science Ltd. for indexing in Excerpta Medicus
9 (EMBASE);

10 (3) medical journals recognized by the Secretary of
11 Health and Human Services under Section 1861(t)(2) of the
12 federal Social Security Act;

13 (4) the following standard reference compendia:

14 (a) The American Hospital Formulary Service-Drug
15 Information;

16 (b) Drug Facts and Comparisons;

17 (c) The American Dental Association Accepted
18 Dental Therapeutics; and

19 (d) The United States Pharmacopoeia-Drug
20 Information;

21 (5) findings, studies, or research conducted by or
22 under the auspices of federal government agencies and
23 nationally recognized federal research institutes,
24 including:

25 (a) the federal Agency for Healthcare Research and
26 Quality;

1 (b) the National Institutes of Health;

2 (c) the National Cancer Institute;

3 (d) the National Academy of Sciences;

4 (e) the Centers for Medicare & Medicaid Services;

5 (f) the federal Food and Drug Administration; and

6 (g) any national board recognized by the National
7 Institutes of Health for the purpose of evaluating the
8 medical value of health care services; or

9 (6) any other medical or scientific evidence that is
10 comparable to the sources listed in items (1) through (5).

11 "Person" means an individual, a corporation, a
12 partnership, an association, a joint venture, a joint stock
13 company, a trust, an unincorporated organization, any similar
14 entity, or any combination of the foregoing.

15 "Prospective review" means a review conducted prior to an
16 admission or the provision of a health care service or a course
17 of treatment in accordance with a health carrier's requirement
18 that the health care service or course of treatment, in whole
19 or in part, be approved prior to its provision.

20 "Protected health information" means health information
21 (i) that identifies an individual who is the subject of the
22 information; or (ii) with respect to which there is a
23 reasonable basis to believe that the information could be used
24 to identify an individual.

25 "Randomized clinical trial" means a controlled prospective
26 study of patients that have been randomized into an

1 experimental group and a control group at the beginning of the
2 study with only the experimental group of patients receiving a
3 specific intervention, which includes study of the groups for
4 variables and anticipated outcomes over time.

5 "Retrospective review" means any review of a request for a
6 benefit that is not a concurrent or prospective review
7 request. "Retrospective review" does not include the review of
8 a claim that is limited to veracity of documentation or
9 accuracy of coding.

10 "Utilization review" has the meaning provided by the
11 Managed Care Reform and Patient Rights Act.

12 "Utilization review organization" means a utilization
13 review program as defined in the Managed Care Reform and
14 Patient Rights Act.

15 (Source: P.A. 103-650, eff 1-1-25; 103-656, eff. 1-1-25;
16 revised 11-26-24.)

17 Section 800. The Prior Authorization Reform Act is amended
18 by changing Section 77 as follows:

19 (215 ILCS 200/77)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 Sec. 77. Prior authorization for drug therapies for
23 hereditary bleeding disorders. Notwithstanding any other
24 provision of law, a health insurance issuer or a contracted

1 utilization review organization may not require a prior
2 authorization for drug therapies approved by the U.S. Food and
3 Drug Administration for the treatment of hereditary bleeding
4 disorders ~~any~~ more frequently than every 6 months or the
5 length of time the prescription for that dosage remains valid,
6 whichever period is shorter.

7 (Source: P.A. 103-659, eff. 1-1-26; revised 10-23-24.)

8 Section 805. The Public Utilities Act is amended by
9 changing Section 16-108.18 as follows:

10 (220 ILCS 5/16-108.18)

11 Sec. 16-108.18. Performance-based ratemaking.

12 (a) The General Assembly finds:

13 (1) That improving the alignment of utility customer
14 and company interests is critical to ensuring equity,
15 rapid growth of distributed energy resources, electric
16 vehicles, and other new technologies that substantially
17 change the makeup of the grid and protect Illinois
18 residents and businesses from potential economic and
19 environmental harm from the State's energy systems.

20 (2) There is urgency around addressing increasing
21 threats from climate change and assisting communities that
22 have borne disproportionate impacts from climate change,
23 including air pollution, greenhouse gas emissions, and
24 energy burdens. Addressing this problem requires changes

1 to the business model under which utilities in Illinois
2 have traditionally functioned.

3 (3) Providing targeted incentives to support change
4 through a new performance-based structure to enhance
5 ratemaking is intended to enable alignment of utility,
6 customer, community, and environmental goals.

7 (4) Though Illinois has taken some measures to move
8 utilities to performance-based ratemaking through the
9 establishment of performance incentives and a
10 performance-based formula rate under the Energy
11 Infrastructure Modernization Act, these measures have not
12 been sufficiently transformative in urgently moving
13 electric utilities toward the State's ambitious energy
14 policy goals: protecting a healthy environment and
15 climate, improving public health, and creating quality
16 jobs and economic opportunities, including wealth
17 building, especially in economically disadvantaged
18 communities and communities of color.

19 (5) These measures were not developed through a
20 process to understand first what performance measures and
21 penalties would help drive the sought-after behavior by
22 the utilities.

23 (6) While the General Assembly has not made a finding
24 that the spending related to the Energy Infrastructure and
25 Modernization Act and its performance metrics was not
26 reasonable, it is important to address concerns that these

1 measures may have resulted in excess utility spending and
2 guaranteed profits without meaningful improvements in
3 customer experience, rate affordability, or equity.

4 (7) Discussions of performance incentive mechanisms
5 must always take into account the affordability of
6 customer rates and bills for all customers, including
7 low-income customers.

8 (8) The General Assembly therefore directs the
9 Illinois Commerce Commission to complete a transition that
10 includes a comprehensive performance-based regulation
11 framework for electric utilities serving more than 500,000
12 customers. The breadth of this framework should revise
13 existing utility regulations to position Illinois electric
14 utilities to effectively and efficiently achieve current
15 and anticipated future energy needs of this State, while
16 ensuring affordability for consumers.

17 (b) As used in this Section:

18 "Commission" means the Illinois Commerce Commission.

19 "Demand response" means measures that decrease peak
20 electricity demand or shift demand from peak to off-peak
21 periods.

22 "Distributed energy resources" or "DER" means a wide range
23 of technologies that are connected to the grid including those
24 that are located on the customer side of the customer's
25 electric meter and can provide value to the distribution
26 system, including, but not limited to, distributed generation,

1 energy storage, electric vehicles, and demand response
2 technologies.

3 "Economically disadvantaged communities" means areas of
4 one or more census tracts where average household income does
5 not exceed 80% of area median income.

6 "Environmental justice communities" means the definition
7 of that term as used and as may be updated in the long-term
8 renewable resources procurement plan by the Illinois Power
9 Agency and its Program Administrator in the Illinois Solar for
10 All Program.

11 "Equity investment eligible community" means the
12 geographic areas throughout Illinois which would most benefit
13 from equitable investments by the State designed to combat
14 discrimination. Specifically, the equity investment eligible
15 communities shall be defined as the following areas:

16 (1) R3 Areas as established pursuant to Section 10-40
17 of the Cannabis Regulation and Tax Act, where residents
18 have historically been excluded from economic
19 opportunities, including opportunities in the energy
20 sector; and

21 (2) Environmental justice communities, as defined by
22 the Illinois Power Agency pursuant to the Illinois Power
23 Agency Act, where residents have historically been subject
24 to disproportionate burdens of pollution, including
25 pollution from the energy sector.

26 "Performance incentive mechanism" means an instrument by

1 which utility performance is incentivized, which could include
2 a monetary performance incentive.

3 "Performance metric" means a manner of measurement for a
4 particular utility activity.

5 (c) Through coordinated, comprehensive system planning,
6 ratemaking, and performance incentives, the performance-based
7 ratemaking framework should be designed to accomplish the
8 following objectives:

9 (1) maintain and improve service reliability and
10 safety, including and particularly in environmental
11 justice, low-income, and equity investment eligible
12 communities;

13 (2) decarbonize utility systems at a pace that meets
14 or exceeds State climate goals, while also ensuring the
15 affordability of rates for all customers, including
16 low-income customers;

17 (3) direct electric utilities to make cost-effective
18 investments that support achievement of Illinois' clean
19 energy policies, including, at a minimum, investments
20 designed to integrate distributed energy resources, comply
21 with critical infrastructure protection standards, plans,
22 and industry best practices, and support and take
23 advantage of potential benefits from the electric vehicle
24 charging and other electrification, while mitigating the
25 impacts;

26 (4) choose cost-effective assets and services, whether

1 utility-supplied or through third-party contracting,
2 considering both economic and environmental costs and the
3 effects on utility rates, to deliver high-quality service
4 to customers at least cost;

5 (5) maintain the affordability of electric delivery
6 services for all customers, including low-income
7 customers;

8 (6) maintain and grow a diverse workforce, diverse
9 supplier procurement base and, for relevant programs,
10 diverse approved-vendor pools, including increased
11 opportunities for minority-owned, female-owned,
12 veteran-owned, and disability-owned business enterprises;

13 (7) improve customer service performance and
14 engagement;

15 (8) address the particular burdens faced by consumers
16 in environmental justice and equity investment eligible
17 communities, including shareholder, consumer, and publicly
18 funded bill payment assistance and credit and collection
19 policies, and ensure equitable disconnections, late fees,
20 or arrearages as a result of utility credit and collection
21 practices, which may include consideration of impact by
22 zip code; and

23 (9) implement or otherwise enhance current supplier
24 diversity programs to increase diverse contractor
25 participation in professional services, subcontracting,
26 and prime contracting opportunities with programs that

1 address barriers to access. Supplier diversity programs
2 shall address specific barriers related to RFP and
3 contract access, access to capital, information technology
4 and cyber security access and costs, administrative
5 burdens, and quality control with specific metrics,
6 outcomes, and demographic data reported.

7 (d) Multi-Year Rate Plan.

8 (1) If an electric utility had a performance-based
9 formula rate in effect under Section 16-108.5 as of
10 December 31, 2020, then the utility may file a petition
11 proposing tariffs implementing a 4-year Multi-Year Rate
12 Plan as provided in this Section no later than, January
13 20, 2023, for delivery service rates to be effective for
14 the billing periods January 1, 2024 through December 31,
15 2027. The Commission shall issue an order approving or
16 approving as modified the utility's plan no later than
17 December 20, 2023. The term "Multi-Year Rate Plan" refers
18 to a plan establishing the base rates the utility shall
19 charge for each delivery year of the 4-year period to be
20 covered by the plan, which shall be subject to
21 modification only as expressly allowed in this Section.

22 (2) A utility proposing a Multi-Year Rate Plan shall
23 provide a 4-year investment plan and a description of the
24 utility's major planned investments, including, at a
25 minimum, all investments of \$2,000,000 or greater over the
26 plan period for an electric utility that serves more than

1 3,000,000 retail customers in the State or \$500,000 for an
2 electric utility that serves less than 3,000,000 retail
3 customers in the State but more than 500,000 retail
4 customers in the State. The 4-year investment plan must be
5 consistent with the Multi-Year Integrated Grid Plan
6 described in Section 16-105.17 of this Act. The investment
7 plan shall provide sufficiently detailed information, as
8 required by the Commission, including, at a minimum, a
9 description of each investment, the location of the
10 investment, and an explanation of the need for and benefit
11 of such an investment to the extent known.

12 (3) The Multi-Year Rate Plan shall be implemented
13 through a tariff filed with the Commission consistent with
14 the provisions of this paragraph (3) that shall apply to
15 all delivery service customers. The Commission shall
16 initiate and conduct an investigation of the tariff in a
17 manner consistent with the provisions of this paragraph
18 (3) and the provisions of Article IX of this Act, to the
19 extent they do not conflict with this paragraph (3). The
20 Multi-Year Rate Plan approved by the Commission shall do
21 the following:

22 (A) Provide for the recovery of the utility's
23 forecasted rate base, based on the 4-year investment
24 plan and the utility's Integrated Grid Plan. The
25 forecasted rate base must include the utility's
26 planned capital investments, with rates based on

1 average annual plant investment, and
2 investment-related costs, including income tax
3 impacts, depreciation, and ratemaking adjustments and
4 costs that are prudently incurred and reasonable in
5 amount consistent with Commission practice and law.
6 The process used to develop the forecasts must be
7 iterative, rigorous, and lead to forecasts that
8 reasonably represent the utility's investments during
9 the forecasted period and ensure that the investments
10 are projected to be used and useful during the annual
11 investment period and least cost, consistent with the
12 provisions of Articles VIII and IX of this Act.

13 (B) The cost of equity shall be approved by the
14 Commission consistent with Commission practice and
15 law.

16 (C) The revenue requirement shall reflect the
17 utility's actual capital structure for the applicable
18 calendar year. A year-end capital structure that
19 includes a common equity ratio of up to and including
20 50% of the total capital structure shall be deemed
21 prudent and reasonable. A higher common equity ratio
22 must be specifically approved by the Commission.

23 (D) (Blank).

24 (E) Provide for recovery of prudent and reasonable
25 projected operating expenses, giving effect to
26 ratemaking adjustments, consistent with Commission

1 practice and law under Article IX of this Act.
2 Operating expenses for years after the first year of
3 the Multi-Year Rate Plan may be estimated by the use of
4 known and measurable changes, expense reductions
5 associated with planned capital investments as
6 appropriate, and reasonable and appropriate
7 escalators, indices, or other metrics.

8 (F) Amortize the amount of unprotected
9 property-related excess accumulated deferred income
10 taxes in rates as of January 1, 2023 over a period
11 ending December 31, 2027, unless otherwise required to
12 amortize the excess deferred income tax pursuant to
13 Section 16-108.21 of this Act.

14 (G) Allow recovery of incentive compensation
15 expense that is based on the achievement of
16 operational metrics, including metrics related to
17 budget controls, outage duration and frequency,
18 safety, customer service, efficiency and productivity,
19 environmental compliance and attainment of
20 affordability and environmental goals, and other goals
21 and metrics approved by the Commission. Incentive
22 compensation expense that is based on net income or an
23 affiliate's earnings per share shall not be
24 recoverable.

25 (H) To the maximum extent practicable, align the
26 4-year investment plan and annual capital budgets with

1 the electric utility's Multi-Year Integrated Grid
2 Plan.

3 (4) The Commission shall establish annual rates for
4 each year of the Multi-Year Rate Plan that accurately
5 reflect and are based only upon the utility's reasonable
6 and prudent costs of service over the term of the plan,
7 including the effect of all ratemaking adjustments
8 consistent with Commission practice and law as determined
9 by the Commission, provided that the costs are not being
10 recovered elsewhere in rates. Tariff riders authorized by
11 the Commission may continue outside of a plan authorized
12 under this Section to the extent such costs are not
13 recovered elsewhere in rates. For the first Multi-Year
14 Rate Plan ~~multi-year rate plan~~, the burden of proof shall
15 be on the electric utility to establish the prudence of
16 investments and expenditures and to establish that such
17 investments consistent with and reasonably necessary to
18 meet the requirements of the utility's first approved
19 Multi-Year Integrated Grid Plan described in Section
20 16-105.17 of this Act. For subsequent Multi-Year Rate
21 Plans, the burden of proof shall be on the electric
22 utility to establish the prudence of investments and
23 expenditures and to establish that such investments are
24 consistent with and reasonably necessary to meet the
25 requirements of the utility's most recently approved
26 Multi-Year Integrated Grid Plan described in Section

1 16-105.17 of this Act. The sole fact that a cost differs
2 from that incurred in a prior period or that an investment
3 is different from that described in the Multi-Year
4 Integrated Grid Plan shall not imply the imprudence or
5 unreasonableness of that cost or investment. The sole fact
6 that an investment is the same or similar to that
7 described in the Multi-Year Integrated Grid Plan shall not
8 imply prudence and reasonableness of that investment.

9 (5) To facilitate public transparency, all materials,
10 data, testimony, and schedules shall be provided to the
11 Commission in an editable, machine-readable electronic
12 format including .doc, .docx, .xls, .xlsx, and similar
13 file formats, but not including .pdf or .exif. Should
14 utilities designate any materials confidential, they shall
15 have an affirmative duty to explain why the particular
16 information is marked confidential. In determining
17 prudence and reasonableness of rates, the Commission shall
18 make its determination based upon the record, including
19 each public comment filed or provided orally at open
20 meetings consistent with the Commission's rules and
21 practices.

22 (6) The Commission may, by order, establish terms,
23 conditions, and procedures for submitting and approving a
24 Multi-Year Rate Plan necessary to implement this Section
25 and ensure that rates remain just and reasonable during
26 the course of the plan, including terms and procedures for

1 rate adjustment.

2 (7) An electric utility that files a tariff pursuant
3 to paragraph (3) of this subsection (e) must submit a
4 one-time \$300,000 filing fee at the time the Chief Clerk
5 of the Commission accepts the filing, which shall be a
6 recoverable expense.

7 (8) An electric utility operating under a Multi-Year
8 Rate Plan shall file a new Multi-Year Rate Plan at least
9 300 days prior to the end of the initial Multi-Year Rate
10 Plan unless it elects to file a general rate case pursuant
11 to paragraph (9), and every 4 years thereafter, with a
12 rate-effective date of the proposed tariffs such that,
13 after the Commission suspension period, the rates would
14 take effect immediately at the close of the final year of
15 the initial Multi-Year Rate Plan. In subsequent Multi-Year
16 Rate Plans, as in the initial plans, utilities and
17 stakeholders may propose additional metrics that achieve
18 the outcomes described in paragraph (2) of subsection (f)
19 of this Section.

20 (9) Election of Rate Case.

21 (A) On or before the date prescribed by
22 subparagraph (B) of paragraph (9) of this Section,
23 electric utilities that serve more than 500,000 retail
24 customers in the State shall file either a general
25 rate case under Section 9-201 of this Act, or a
26 Multi-Year Rate Plan, as set forth in paragraph (1) of

1 this subsection (d).

2 (B) Electric utilities described in subparagraph
3 (A) of paragraph (9) of this Section shall file their
4 initial general rate case or Multi-Year Rate Plan, as
5 applicable, with the Commission no later than January
6 20, 2023.

7 (C) Notwithstanding which rate filing option an
8 electric utility elects to file on the date prescribed
9 by subparagraph (B) of paragraph (9) of this Section,
10 the electric utility shall be subject to the
11 Multi-year Integrated Plan filing requirements.

12 (D) Following its initial rate filing pursuant to
13 paragraph (2), an electric utility subject to the
14 requirements of this Section shall thereafter be
15 permitted to elect a different rate filing option
16 consistent with any filing intervals established for a
17 general rate case or Multi-Year Rate Plan, as follows:

18 (i) An electric utility that initially elected
19 to file a Multi-Year Rate Plan and thereafter
20 elects to transition to a general rate case may do
21 so upon completion of the 4-year Multi-Year Rate
22 Plan by filing a general rate case at the same time
23 that the utility would have filed its subsequent
24 Multi-Year Rate Plan, as specified in paragraph
25 (8) of this subsection (d). Notwithstanding this
26 election, the annual adjustment of the final year

1 of the Multi-Year Rate Plan shall proceed as
2 specified in paragraph (6) of subsection (f).

3 (ii) An electric utility that initially
4 elected to a file general rate case and thereafter
5 elects to transition to a Multi-Year Rate Plan may
6 do so only at the 4-year filing intervals
7 identified by paragraph (8) of this subsection
8 (d).

9 (10) The Commission shall approve tariffs establishing
10 rate design for all delivery service customers unless the
11 electric utility makes the election specified in Section
12 16-105.5, in which case the rate design shall be subject
13 to the provisions of that Section.

14 (11) The Commission shall establish requirements for
15 annual performance evaluation reports to be submitted
16 annually for performance metrics. Such reports shall
17 include, but not be limited to, a description of the
18 utility's performance under each metric and an
19 identification of any extraordinary events that adversely
20 affected the utility's performance.

21 (12) For the first Multi-Year Rate Plan, the
22 Commission shall consolidate its investigation with the
23 proceeding under Section 16-105.17 to establish the
24 Multi-Year Integrated Grid Plan no later than 45 days
25 after plan filing.

26 (13) Where a rate change under a Multi-Year Rate Plan

1 will result in a rate increase, an electric utility may
2 propose a rate phase-in plan that the Commission shall
3 approve with or without modification or deny in its final
4 order approving the new delivery services rates. A
5 proposed rate phase-in plan under this paragraph (13) must
6 allow the new delivery services rates to be implemented in
7 no more than 2 steps, as follows: in the first step, at
8 least 50% of the approved rate increase must be reflected
9 in rates, and, in the second step, 100% of the rate
10 increase must be reflected in rates. The second step's
11 rates must take effect no later than 12 months after the
12 first step's rates were placed into effect. The portion of
13 the approved rate increase not implemented in the first
14 step shall be recorded on the electric utility's books as
15 a regulatory asset, and shall accrue carrying costs to
16 ensure that the utility does not recover more or less than
17 it otherwise would because of the deferral. This portion
18 shall be recovered, with such carrying costs at the
19 weighted average cost of capital, through a surcharge
20 applied to retail customer bills that (i) begins no later
21 than 12 months after the date on which the second step's
22 rates went into effect and (ii) is applied over a period
23 not to exceed 24 months. Nothing in this paragraph is
24 intended to limit the Commission's authority to mitigate
25 the impact of rates caused by rate plans, or any other
26 instance on a revenue-neutral basis; nor shall it mitigate

1 a utility's ability to make proposals to mitigate the
2 impact of rates. When a deferral, or similar method, is
3 used to mitigate the impact of rates, the utility should
4 be allowed to recover carrying costs.

5 (14) Notwithstanding the provisions of paragraph
6 ~~Section~~ (13), the Commission may, on its own initiative,
7 take revenue-neutral measures to relieve the impact of
8 rate increases on customers. Such initiatives may be taken
9 by the Commission in the first Multi-Year Rate Plan,
10 subsequent multi-year plans, or in other instances
11 described in this Act.

12 (15) Whenever during the pendency of a Multi-Year
13 ~~Multi-year~~ Rate Plan, an electric utility subject to this
14 Section becomes aware that, due to circumstances beyond
15 its control, prudent operating practices will require the
16 utility to make adjustments to the Multi-Year Rate Plan,
17 the electric utility may file a petition with the
18 Commission requesting modification of the approved annual
19 revenue requirements included in the Multi-Year Rate Plan.
20 The electric utility must support its request with
21 evidence demonstrating why a modification is necessary,
22 due to circumstances beyond the utility's control, to
23 follow prudent operating practices and must set forth the
24 changes to each annual revenue requirement to be approved,
25 and the basis for any changes in anticipated operating
26 expenses or capital investment levels. The utility shall

1 affirmatively address the impact of the changes on the
2 Multi-Year Integrated Grid Plan and Multi-Year Rate Plan
3 originally submitted and approved by the Commission. Any
4 interested party may file an objection to the changes
5 proposed, or offer alternatives to the utility's proposal,
6 as supported by testimony and evidence. After notice and
7 hearing, the Commission shall issue a final order
8 regarding the electric utility's request no later than 180
9 days after the filing of the petition.

10 (e) Performance incentive mechanisms.

11 (1) The electric industry is undergoing rapid
12 transformation, including fundamental changes in how
13 electricity is generated, procured, and delivered and how
14 customers are choosing to participate in the supply and
15 delivery of electricity to and from the electric grid.
16 Building upon the State's goals to increase the
17 procurement of electricity from renewable energy
18 resources, including distributed generation and storage
19 devices, the General Assembly finds that electric
20 utilities should make cost-effective investments that
21 support moving forward on Illinois' clean energy policies.
22 It is therefore in the State's interest for the Commission
23 to establish performance incentive mechanisms in order to
24 better tie utility revenues to performance and customer
25 benefits, accelerate progress on Illinois energy and other
26 goals, ensure equity and affordability of rates for all

1 customers, including low-income customers, and hold
2 utilities publicly accountable.

3 (2) The Commission shall approve, based on the
4 substantial evidence proffered in the proceeding initiated
5 pursuant to this subsection performance metrics that, to
6 the extent practicable and achievable by the electric
7 utility, encourage cost-effective, equitable utility
8 achievement of the outcomes described in this subsection
9 (e) while ensuring no degradation in the significant
10 performance improvement achieved through previously
11 established performance metrics. For each electric
12 utility, the Commission shall approve metrics designed to
13 achieve incremental improvements over baseline performance
14 values and targets, over a performance period of up to 10
15 years, and no less than 4 years.

16 (A) The Commission shall approve no more than 8
17 metrics, with at least one metric from each of the
18 categories below, for each electric utility, from
19 items ~~subparagraphs~~ (i) through (vi) of this
20 subparagraph ~~subsection~~ (A). Upon a utility request,
21 the Commission may approve the use of a specific,
22 measurable, and achievable tracking metric described
23 in paragraph (3) of this subsection (e) as a
24 performance metric pursuant to paragraph (2) of this
25 subsection (e).

26 (i) Metrics designed to ensure the utility

1 maintains and improves the high standards of both
2 overall and locational reliability and resiliency,
3 and makes improvements in power quality, including
4 and particularly in environmental justice and
5 equity investment eligible communities.

6 (ii) Peak load reductions attributable to
7 demand response programs.

8 (iii) Supplier diversity expansion, including
9 diverse contractor participation in professional
10 services, subcontracting, and prime contracting
11 opportunities, development of programs that
12 address the barriers to access, aligning
13 demographics of contractors to the demographics in
14 the utility's service territory, establish
15 long-term mentoring relationships that develop and
16 remove barriers to access for diverse and
17 underserved contractors. The utilities shall
18 provide solutions, resources, and tools to address
19 complex barriers of entry related to costly and
20 time-intensive cyber security requirements,
21 increasingly complex information technology
22 requirements, insurance barriers, service provider
23 sign-up process barriers, administrative process
24 barriers, and other barriers that inhibit access
25 to RFPs and contracts. For programs with contracts
26 over \$1,000,000, winning bidders must demonstrate

1 a subcontractor development or mentoring
2 relationship with at least one of their diverse
3 subcontracting partners for a core component of
4 the scope of the project. The mentoring time and
5 cost shall be taken into account in the creation
6 of RFP and shall include a structured and measured
7 plan by the prime contractor to increase the
8 capabilities of the subcontractor in their
9 proposed scope. The metric shall include reporting
10 on all supplier diversity programs by goals,
11 program results, demographics and geography, with
12 separate reporting by category of minority-owned,
13 female-owned, veteran-owned, and disability-owned
14 business enterprise metrics. The report shall
15 include resources and expenses committed to the
16 programs and conversion rates of new diverse
17 utility contractors.

18 (iv) Achieve affordable customer delivery
19 service costs, with particular emphasis on keeping
20 the bills of lower-income households, households
21 in equity investment eligible communities, and
22 household in environmental justice communities
23 within a manageable portion of their income and
24 adopting credit and collection policies that
25 reduce disconnections for these households
26 specifically and for customers overall to ensure

1 equitable disconnections, late fees, or arrearages
2 as a result of utility credit and collection
3 practices, which may include consideration of
4 impact by zip code.

5 (v) Metrics designed around the utility's
6 timeliness to customer requests for
7 interconnection in key milestone areas, such as:
8 initial response, supplemental review, and system
9 feasibility study; improved average service
10 reliability index for those customers that have
11 interconnected a distributed renewable energy
12 generation device to the utility's distribution
13 system and are lawfully taking service under an
14 applicable tariff; offering a variety of
15 affordable rate options, including demand
16 response, time of use rates for delivery and
17 supply, real-time pricing rates for supply;
18 comprehensive and predictable net metering, and
19 maximizing the benefits of grid modernization and
20 clean energy for ratepayers; and improving
21 customer access to utility system information
22 according to consumer demand and interest.

23 (vi) Metrics designed to measure the utility's
24 customer service performance, which may include
25 the average length of time to answer a customer's
26 call by a customer service representative, the

1 abandoned call rate and the relative ranking of
2 the electric utility, by a reputable third-party
3 organization, in customer service satisfaction
4 when compared to other similar electric utilities
5 in the Midwest region.

6 (B) Performance metrics shall include a
7 description of the metric, a calculation method, a
8 data collection method, annual performance targets,
9 and any incentives or penalties for the utility's
10 achievement of, or failure to achieve, their
11 performance targets, provided that the total amount of
12 potential incentives and penalties shall be
13 symmetrical. Incentives shall be rewards or penalties
14 or both, reflected as basis points added to, or
15 subtracted from, the utility's cost of equity. The
16 metrics and incentives shall apply for the entire time
17 period covered by a Multi-Year Rate Plan. The total
18 for all metrics shall be equal to 40 basis points,
19 however, the Commission may adjust the basis points
20 upward or downward by up to 20 basis points for any
21 given Multi-Year Rate Plan, as appropriate, but in no
22 event may the total exceed 60 basis points or fall
23 below 20 basis points.

24 (C) Metrics related to reliability shall be
25 implemented to ensure equitable benefits to
26 environmental justice and equity investment eligible

1 communities, as defined in this Act.

2 (D) The Commission shall approve performance
3 metrics that are reasonably within control of the
4 utility to achieve. The Commission also shall not
5 approve a metric that is solely expected to have the
6 effect of reducing the workforce. Performance metrics
7 should measure outcomes and actual, rather than
8 projected, results where possible. Nothing in this
9 ~~subparagraph~~ ~~paragraph~~ is intended to require that
10 different electric utilities must be subject to the
11 same metrics, goals, or incentives.

12 (E) Increases or enhancements to an existing
13 performance goal or target shall be considered in
14 light of other metrics, cost-effectiveness, and other
15 factors the Commission deems appropriate. Performance
16 metrics shall include one year of tracking data
17 collected in a consistent manner, verifiable by an
18 independent evaluator in order to establish a baseline
19 and measure outcomes and actual results against
20 projections where possible.

21 (F) For the purpose of determining reasonable
22 performance metrics and related incentives, the
23 Commission shall develop a methodology to calculate
24 net benefits that includes customer and societal costs
25 and benefits and quantifies the effect on delivery
26 rates. In determining the appropriate level of a

1 performance incentive, the Commission shall consider:
2 the extent to which the amount is likely to encourage
3 the utility to achieve the performance target in the
4 least cost manner; the value of benefits to customers,
5 the grid, public health and safety, and the
6 environment from achievement of the performance
7 target, including in particular benefits to equity
8 investment eligible community; the affordability of
9 customer's electric bills, including low-income
10 customers, the utility's revenue requirement, the
11 promotion of renewable and distributed energy, and
12 other such factors that the Commission deems
13 appropriate. The consideration of these factors shall
14 result in an incentive level that ensures benefits
15 exceed costs for customers.

16 (G) Achievement of performance metrics are based
17 on the assumptions that the utility will adopt or
18 implement the technology and equipment, and make the
19 investments to the extent reasonably necessary to
20 achieve the goal. If the electric utility is unable to
21 meet the performance metrics as a result of
22 extraordinary circumstances outside of its control,
23 including, but not limited to, government-declared
24 emergencies, then the utility shall be permitted to
25 file a petition with the Commission requesting that
26 the utility be excused from compliance with the

1 applicable performance goal or goals and the
2 associated financial incentives and penalties. The
3 burden of proof shall be on the utility, consistent
4 with Article IX, and the utility's petition shall be
5 supported by substantial evidence. The Commission
6 shall, after notice and hearing, enter its order
7 approving or denying, in whole or in part, the
8 utility's petition based on the extent to which the
9 utility demonstrated that its achievement of the
10 affected metrics and performance goals was hindered by
11 extraordinary circumstances outside of the utility's
12 control.

13 (3) The Commission shall approve reasonable and
14 appropriate tracking metrics to collect and monitor data
15 for the purpose of measuring and reporting utility
16 performance and for establishing future performance
17 metrics. These additional tracking metrics shall include
18 at least one metric from each of the following categories
19 of performance:

20 (A) Minimize emissions of greenhouse gases and
21 other air pollutants that harm human health,
22 particularly in environmental justice and equity
23 investment eligible communities, through minimizing
24 total emissions by accelerating electrification of
25 transportation, buildings, and industries where such
26 electrification results in net reductions, across all

1 fuels and over the life of electrification measures,
2 of greenhouse gases and other pollutants, taking into
3 consideration the fuel mix used to produce electricity
4 at the relevant hour and the effect of accelerating
5 electrification on electricity delivery services
6 rates, supply prices, and peak demand, provided the
7 revenues the utility receives from accelerating
8 electrification of transportation, buildings, and
9 industries exceed the costs.

10 (B) Enhance the grid's flexibility to adapt to
11 increased deployment of nondispatchable resources,
12 improve the ability and performance of the grid on
13 load balancing, and offer a variety of rate plans to
14 match consumer consumption patterns and lower consumer
15 bills for electricity delivery and supply.

16 (C) Ensure rates reflect cost savings attributable
17 to grid modernization and utilize distributed energy
18 resources that allow the utility to defer or forgo
19 traditional grid investments that would otherwise be
20 required to provide safe and reliable service.

21 (D) Metrics designed to create and sustain
22 full-time-equivalent jobs and opportunities for all
23 segments of the population and workforce, including
24 minority-owned businesses, women-owned businesses,
25 veteran-owned businesses, and businesses owned by a
26 person or persons with a disability, and that do not,

1 consistent with State and federal law, discriminate
2 based on race or socioeconomic status as a result of
3 Public Act 102-662 ~~this amendatory Act of the 102nd~~
4 ~~General Assembly.~~

5 (E) Maximize and prioritize the allocation of grid
6 planning benefits to environmental justice and
7 economically disadvantaged customers and communities,
8 such that all metrics provide equitable benefits
9 across the utility's service territory and maintain
10 and improve utility customers' access to uninterrupted
11 utility services.

12 (4) The Commission may establish new tracking and
13 performance metrics in future Multi-Year Rate Plans to
14 further measure achievement of the outcomes set forth in
15 paragraph (2) of subsection (f) of this Section and the
16 other goals and requirements of this Section.

17 (5) The Commission shall also evaluate metrics that
18 were established in prior Multi-Year Rate Plans to
19 determine if there has been an unanticipated material
20 change in circumstances such that adjustments are required
21 to improve the likelihood of the outcomes described in
22 paragraph (2) of subsection (f). For metrics that were
23 established in prior Multi-Year Rate Plan proceedings and
24 that the Commission elects to continue, the design of
25 these metrics, including the goals of tracking metrics and
26 the targets and incentive levels and structures of

1 performance metrics, may be adjusted pursuant to the
2 requirements in this Section. The Commission may also
3 change, adjust, or phase out tracking and performance
4 metrics that were established in prior Multi-Year Rate
5 Plan proceedings if these metrics no longer meet the
6 requirements of this Section or if they are rendered
7 obsolete by the changing needs and technology of an
8 evolving grid. Additionally, performance metrics that no
9 longer require an incentive to create improved utility
10 performance may become tracking metrics in a Multi-Year
11 Rate Plan proceeding.

12 (6) The Commission shall initiate a workshop process
13 no later than August 1, 2021, or 15 days after September
14 15, 2021 (the effective date of Public Act 102-662) ~~this~~
15 ~~amendatory Act of the 102nd General Assembly~~, whichever is
16 later, for the purpose of facilitating the development of
17 metrics for each utility. The workshop shall be
18 coordinated by the staff of the Commission, or a
19 facilitator retained by staff, and shall be organized and
20 facilitated in a manner that encourages representation
21 from diverse stakeholders and ensures equitable
22 opportunities for participation, without requiring formal
23 intervention or representation by an attorney. Working
24 with staff of the Commission the facilitator may conduct a
25 combination of workshops specific to a utility or
26 applicable to multiple utilities where content and

1 stakeholders are substantially similar. The workshop
2 process shall conclude no later than October 31, 2021.
3 Following the workshop, the staff of the Commission, or
4 the facilitator retained by the Staff, shall prepare and
5 submit a report to the Commission that identifies the
6 participants in the process, the metrics proposed during
7 the process, any material issues that remained unresolved
8 at the conclusions of such process, and any
9 recommendations for workshop process improvements. Any
10 workshop participant may file comments and reply comments
11 in response to the Staff report.

12 (A) No later than January, 20, 2022, each electric
13 utility that intends to file a petition pursuant to
14 subsection (b) of this Section shall file a petition
15 with the Commission seeking approval of its
16 performance metrics, which shall include for each
17 metric, at a minimum, (i) a detailed description, (ii)
18 the calculation of the baseline, (iii) the performance
19 period and overall performance goal, provided that the
20 performance period shall not commence prior to January
21 1, 2024, (iv) each annual performance goal, (v) the
22 performance adjustment, which shall be a symmetrical
23 basis point increase or decrease to the utility's cost
24 of equity based on the extent to which the utility
25 achieved the annual performance goal, and (vi) the new
26 or modified tariff mechanism that will apply the

1 performance adjustments. The Commission shall issue
2 its order approving, or approving with modification,
3 the utility's proposed performance metrics no later
4 than September 30, 2022.

5 (B) No later than August 1, 2025, the Commission
6 shall initiate a workshop process that conforms to the
7 workshop purpose and requirements of this paragraph
8 (6) of this Section to the extent they do not conflict.
9 The workshop process shall conclude no later than
10 October 31, 2025, and the staff of the Commission, or
11 the facilitator retained by the Staff, shall prepare
12 and submit a report consistent with the requirements
13 described in this paragraph (6) of this Section. No
14 later than January 20, 2026, each electric utility
15 subject to the requirements of this Section shall file
16 a petition the reflects, and is consistent with, the
17 components required in this paragraph (6) of this
18 Section, and the Commission shall issue its order
19 approving, or approving with modification, the
20 utility's proposed performance metrics no later than
21 September 30, 2026.

22 (f) On May 1 of each year, following the approval of the
23 first Multi-Year Rate Plan and its initial year, the
24 Commission shall open an annual performance evaluation
25 proceeding to evaluate the utilities' performance on their
26 metric targets during the year just completed, as well as the

1 appropriate Annual Adjustment as defined in paragraph (6). The
2 Commission shall determine the performance and annual
3 adjustments to be applied through a surcharge in the following
4 calendar year.

5 (1) On February 15 of each year, prior to the annual
6 performance evaluation proceeding, each utility shall file
7 a performance evaluation report with the Commission that
8 includes a description of and all data supporting how the
9 utility performed under each performance metric and an
10 identification of any extraordinary events that adversely
11 impacted the utility's performance.

12 (2) The metrics approved under this Section are based
13 on the assumptions that the utility may fully implement
14 the technology and equipment, and make the investments,
15 required to achieve the metrics and performance goals. If
16 the utility is unable to meet the metrics and performance
17 goals because it was hindered by unanticipated technology
18 or equipment implementation delays, government-declared
19 emergencies, or other investment impediments, then the
20 utility shall be permitted to file a petition with the
21 Commission on or before the date that its report is due
22 pursuant to paragraph (1) of this subsection (f)
23 requesting that the utility be excused from compliance
24 with the applicable performance goal or goals. The burden
25 of proof shall be on the utility, consistent with Article
26 IX, and the utility's petition shall be supported by

1 substantial evidence. No later than 90 days after the
2 utility files its petition, the Commission shall, after
3 notice and hearing, enter its order approving or denying,
4 in whole or in part, the utility's petition based on the
5 extent to which the utility demonstrated that its
6 achievement of the affected metrics and performance goals
7 was hindered by unanticipated technology or equipment
8 implementation delays, or other investment impediments,
9 that were reasonably outside of the utility's control.

10 (3) The electric utility shall provide for an annual
11 independent evaluation of its performance on metrics. The
12 independent evaluator shall review the utility's
13 assumptions, baselines, targets, calculation
14 methodologies, and other relevant information, especially
15 ensuring that the utility's data for establishing
16 baselines matches actual performance, and shall provide a
17 report to the Commission in each annual performance
18 evaluation describing the results. The independent
19 evaluator shall present this report as evidence as a
20 nonparty participant and shall not be represented by the
21 utility's legal counsel. The independent evaluator shall
22 be hired through a competitive bidding process with
23 approval of the contract by the Commission.

24 The Commission shall consider the report of the
25 independent evaluator in determining the utility's
26 achievement of performance targets. Discrepancies between

1 the utility's assumptions, baselines, targets, or
2 calculations and those of the independent evaluator shall
3 be closely scrutinized by the Commission. If the
4 Commission finds that the utility's reported data for any
5 metric or metrics significantly and incorrectly deviates
6 from the data reported by the independent evaluator, then
7 the Commission shall order the utility to revise its data
8 collection and calculation process within 60 days, with
9 specifications where appropriate.

10 (4) The Commission shall, after notice and hearing in
11 the annual performance evaluation proceeding, enter an
12 order approving the utility's performance adjustment based
13 on its achievement of or failure to achieve its
14 performance targets no later than December 20 each year.
15 The Commission-approved penalties or incentives shall be
16 applied beginning with the next calendar year.

17 (5) In order to promote the transparency of utility
18 investments during the effective period of a multi-year
19 rate plan, inform the Commission's investigation and
20 adjustment of rates in the annual adjustment process, and
21 to facilitate the participation of stakeholders in the
22 annual adjustment process, an electric utility with an
23 effective Multi-Year Rate Plan shall, within 90 days of
24 the close of each quarter during the Multi-Year Rate Plan
25 period, submit to the Commission a report that summarizes
26 the additions to utility plant that were placed into

1 service during the prior quarter, which for purposes of
2 the report shall be the most recently closed fiscal
3 quarter. The report shall also summarize the utility plant
4 the electric utility projects it will place into service
5 through the end of the calendar year in which the report is
6 filed. The projections, estimates, plans, and
7 forward-looking information that are provided in the
8 reports pursuant to this paragraph (5) are for planning
9 purposes and are intended to be illustrative of the
10 investments that the utility proposes to make as of the
11 time of submittal. Nothing in this paragraph (5)
12 precludes, or is intended to limit, a utility's ability to
13 modify and update its projections, estimates, plans, and
14 forward-looking information previously submitted in order
15 to reflect stakeholder input or other new or updated
16 information and analysis, including, but not limited to,
17 changes in specific investment needs, customer electric
18 use patterns, customer applications and preferences, and
19 commercially available equipment and technologies, however
20 the utility shall explain any changes or deviations
21 between the projected investments from the quarterly
22 reports and actual investments in the annual report. The
23 reports submitted pursuant to this subsection are intended
24 to be flexible planning tools, and are expected to evolve
25 as new information becomes available. Within 7 days of
26 receiving a quarterly report, the Commission shall timely

1 make such report available to the public by posting it on
2 the Commission's website. Each quarterly report shall
3 include the following detail:

4 (A) The total dollar value of the additions to
5 utility plant placed in service during the prior
6 quarter;

7 (B) A list of the major investment categories the
8 electric utility used to manage its routine standing
9 operational activities during the prior quarter
10 including the total dollar amount for the work
11 reflected in each investment category in which utility
12 plant in service is equal to or greater than
13 \$2,000,000 for an electric utility that serves more
14 than 3,000,000 customers in the State or \$500,000 for
15 an electric utility that serves less than 3,000,000
16 customers but more than 500,000 customers in the State
17 as of the last day of the quarterly reporting period,
18 as well as a summary description of each investment
19 category;

20 (C) A list of the projects which the electric
21 utility has identified by a unique investment tracking
22 number for utility plant placed in service during the
23 prior quarter for utility plant placed in service with
24 a total dollar value as of the last day of the
25 quarterly reporting period that is equal to or greater
26 than \$2,000,000 for an electric utility that serves

1 more than 3,000,000 customers in the State or \$500,000
2 for an electric utility that serves less than
3 3,000,000 retail customers but more than \$500,000
4 retail customers in the State, as well as a summary of
5 each project;

6 (D) The estimated total dollar value of the
7 additions to utility plant projected to be placed in
8 service through the end of the calendar year in which
9 the report is filed;

10 (E) A list of the major investment categories the
11 electric utility used to manage its routine standing
12 operational activities with utility plant projected to
13 be placed in service through the end of the calendar
14 year in which the report is filed, including the total
15 dollar amount for the work reflected in each
16 investment category in which utility plant in service
17 is projected to be equal to or greater than \$2,000,000
18 for an electric utility that serves more than
19 3,000,000 customers in the State or \$500,000 for an
20 electric utility that serves less than 3,000,000
21 retail customers but more than 500,000 retail
22 customers in the State, as well as a summary
23 description of each investment category; and

24 (F) A list of the projects for which the electric
25 utility has identified by a unique investment tracking
26 number for utility plant projected to be placed in

1 service through the end of the calendar year in which
2 the report is filed with an estimated dollar value
3 that is equal to or greater than \$2,000,000 for an
4 electric utility that serves more than 3,000,000
5 customers in the State or \$500,000 for an electric
6 utility that serves less than 3,000,000 retails
7 customers but more than \$500,000 retail customers in
8 the State, as well as a summary description of each
9 project.

10 (6) As part of the Annual Performance Adjustment, the
11 electric utility shall submit evidence sufficient to
12 support a determination of its actual revenue requirement
13 for the applicable calendar year, consistent with the
14 provisions of paragraphs (d) and (f) of this subsection.
15 The electric utility shall bear the burden of
16 demonstrating that its costs were prudent and reasonable,
17 subject to the provisions of paragraph (4) of this
18 subsection (f). The Commission's review of the electric
19 utility's annual adjustment shall be based on the same
20 evidentiary standards, including, but not limited to,
21 those concerning the prudence and reasonableness of the
22 known and measurable costs forecasted to be incurred by
23 the utility, and the used and usefulness of the actual
24 plant investment pursuant to Section 9-211 of this Act,
25 that the Commission applies in a proceeding to review a
26 filing for changes in rates pursuant to Section 9-201 of

1 this Act. The Commission shall determine the prudence and
2 reasonableness of the actual costs incurred by the utility
3 during the applicable calendar year, as well as determine
4 the original cost of plant in service as of the end of the
5 applicable calendar year. The Commission shall then
6 determine the Annual Adjustment, which shall mean the
7 amount by which, the electric utility's actual revenue
8 requirement for the applicable year of the Multi-Year Rate
9 Plan either exceeded, or was exceeded by, the revenue
10 requirement approved by the Commission for such calendar
11 year, plus carrying costs calculated at the weighted
12 average cost of capital approved for the Multi-Year Rate
13 Plan.

14 The Commission's determination of the electric
15 utility's actual revenue requirement for the applicable
16 calendar year shall be based on:

17 (A) the Commission-approved used and useful,
18 prudent and reasonable actual costs for the applicable
19 calendar year, which shall be determined pursuant to
20 the following criteria:

21 (i) the ~~The~~ overall level of actual costs
22 incurred during the calendar year, provided that
23 the Commission may not allow recovery of actual
24 costs that are more than 105% of the approved
25 revenue requirement calculated as provided in item
26 (ii) of this subparagraph (A), except to the

1 extent the Commission approves a modification of
2 the Multi-Year Rate Plan to permit such recovery;~~;~~

3 (ii) the ~~the~~ calculation of 105% of the
4 revenue requirement required by this subparagraph
5 (A) shall exclude the revenue requirement impacts
6 of the following volatile and fluctuating
7 variables that occurred during the year: (i)
8 storms and weather-related events for which the
9 utility provides sufficient evidence to
10 demonstrate that such expenses were not
11 foreseeable and not in control of the utility;
12 (ii) new business; (iii) changes in interest
13 rates; (iv) changes in taxes; (v) facility
14 relocations; (vi) changes in pension or
15 post-retirement benefits costs due to fluctuations
16 in interest rates, market returns or actuarial
17 assumptions; (vii) amortization expenses related
18 to costs; and (viii) changes in the timing of when
19 an expenditure or investment is made such that it
20 is accelerated to occur during the applicable year
21 or deferred to occur in a subsequent year;~~;~~

22 (B) the year-end rate base;

23 (C) the cost of equity approved in the multi-year
24 rate plan; and

25 (D) the electric utility's actual year-end capital
26 structure, provided that the common equity ratio in

1 such capital structure may not exceed the common
2 equity ratio that was approved by the Commission in
3 the Multi-Year Rate Plan.

4 (2) The Commission's determinations of the prudence
5 and reasonableness of the costs incurred for the
6 applicable year, and of the original cost of plant in
7 service as of the end of the applicable calendar year,
8 shall be final upon entry of the Commission's order and
9 shall not be subject to collateral attack in any other
10 Commission proceeding, case, docket, order, rule, or
11 regulation; however, nothing in this Section shall
12 prohibit a party from petitioning the Commission to rehear
13 or appeal to the courts the order pursuant to the
14 provisions of this Act.

15 (g) During the period leading to approval of the first
16 Multi-Year Integrated Grid Plan, each electric utility will
17 necessarily continue to invest in its distribution grid. Those
18 investments will be subject to a determination of prudence and
19 reasonableness consistent with Commission practice and law.
20 Any failure to conform to the Multi-Year Integrated Grid Plan
21 ultimately approved shall not imply imprudence or
22 unreasonableness.

23 (h) After calculating the Performance Adjustment and
24 Annual Adjustment, the Commission shall order the electric
25 utility to collect the amount in excess of the revenue
26 requirement from customers, or issue a refund to customers, as

1 applicable, to be applied through a surcharge beginning with
2 the next calendar year.

3 Electric utilities subject to the requirements of this
4 Section shall be permitted to file new or revised tariffs to
5 comply with the provisions of, and Commission orders entered
6 pursuant to, this Section.

7 (Source: P.A. 102-662, eff. 9-15-21; revised 7-19-24.)

8 Section 810. The Illinois Underground Utility Facilities
9 Damage Prevention Act is amended by changing Sections 2, 4.1,
10 10, and 12 as follows:

11 (220 ILCS 50/2) (from Ch. 111 2/3, par. 1602)

12 Sec. 2. Definitions. As used in this Act, unless the
13 context clearly otherwise requires, the terms specified in
14 this Section have the meanings ascribed to them in this
15 Section.

16 "Approximate location" means the location of the marked
17 facility that lies entirely within the tolerance zone.

18 Circumstances that are "beyond the reasonable control" of
19 a party include, but are not limited to, severe weather,
20 unforeseen mechanical issues, or site conditions. As used in
21 Section 11, "beyond the reasonable control" also includes, but
22 is not limited to, notice volumes or dig site notification
23 areas that exceed historical averages, as determined by the
24 reasonable control measurement, created as a result of

1 underground utility facility owners or operators or their
2 contractors or subcontractors' non-emergency requests for
3 utility excavation work for underground utility facility
4 owners or operators, that is not part of a large project that
5 has provided at least 60 days' ~~days~~ notice, and only applies to
6 the requests submitted by underground utility facility owners
7 or operators or their contractors or subcontractors'
8 non-emergency utility excavation work for underground utility
9 facility owners or operators.

10 "Damage" means the contact or dislocation of a facility
11 during excavation or demolition that necessitates immediate or
12 subsequent repair by the underground utility facility owner or
13 operator due to any partial or complete destruction of the
14 facility, including, but not limited to, the protective
15 coating, tracer wire, lateral support, cathodic protection, or
16 housing for the line or device of the facility.

17 "Damage notification" means a notification through JULIE
18 to the underground utility facility owner or operator that
19 damage to a facility has occurred in the area of the excavation
20 or demolition.

21 "Day" means any day, beginning at 12:00 a.m. and ending at
22 11:59 p.m. "Day" does not include holidays recognized by
23 JULIE, Saturdays, Sundays, and the day of the actual notice.

24 "Demolition" means the wrecking, razing, rending, moving,
25 or removing of a structure by means of any power tool, power
26 equipment (exclusive of transportation equipment), or

1 explosives.

2 "Emergency request" means a request involving a condition
3 (1) that constitutes an imminent danger to life, health, or
4 property or a utility service outage (2) and that requires
5 repair or action before the expiration of 2 days.

6 "Excavation" means:

7 (1) any operation in which earth, rock, or other
8 material in or on the ground is moved, removed, or
9 otherwise displaced by means of any tools, power equipment
10 or explosives, and includes, without limitation, grading,
11 trenching, digging, ditching, drilling, augering, boring,
12 tunneling, scraping, cable or pipe plowing, saw cutting or
13 roadway surface milling when penetrating into the base or
14 subbase of a paved surface, and driving, but does not
15 include:

16 (A) farm tillage operations;

17 (B) railroad right-of-way maintenance;

18 (C) coal mining operations regulated under the
19 federal Surface Mining Control and Reclamation Act of
20 1977 or any State law or rules or regulations adopted
21 under the federal statute;

22 (D) land surveying operations as defined in the
23 Illinois Professional Land Surveyor Act of 1989 when
24 not using power equipment;

25 (E) roadway surface milling;

26 (F) manually inserting, without the use of power

1 equipment, a temporary round-tipped ground or probe
2 rod as part of facility locating;

3 (G) manually inserting, without the use of power
4 equipment, a temporary round-tipped probe rod for bar
5 holing to determine the area of a potential leak from a
6 facility transporting hazardous gases or liquids; or

7 (H) manually inserting, without the use of power
8 equipment, a round-tipped ground rod for the purpose
9 of grounding utility equipment when an emergency
10 exists and no other ground source is available.

11 (2) An exclusion to this Section in no way prohibits a
12 request from being made for the marking of facilities.

13 (3) Any exception to excavation contained within this
14 Section is not intended to remove liability that may be
15 imposed against an individual or entity because of damage
16 caused to a facility.

17 "Excavator" means any person or legal entity, public or
18 private, that engages in excavation or demolition work.

19 "Exposed notification" means a notification through JULIE
20 to the underground utility facility owner or operator that an
21 unmarked facility has been exposed in the area of the
22 excavation or demolition but has not been damaged.

23 "Extension" means a request made by an excavator, to
24 extend the expiration date of a normal notice to allow
25 additional time to continue or complete the excavation or
26 demolition project.

1 (1) An extension request may be made no earlier than
2 the 20th day from the initial normal notice request or
3 latest extension request.

4 (2) An extension request shall extend the expiration
5 of the initial normal notice request or latest extension
6 request by 25 days.

7 (3) An extension request may not be made simply to
8 keep a prior notice open without continued excavation
9 occurring within the period of that subsequent notice.

10 "Geographic information system data" means data to be
11 applied to JULIE software to facilitate a more clearly defined
12 notification area for notices sent to the system underground
13 utility facility owners or operators. "Geographic information
14 system data" includes, but is not limited to:

- 15 (1) address points with site addresses;
16 (2) parcels with site addresses;
17 (3) road center lines with names and address range;
18 (4) city limits with names;
19 (5) political townships with names;
20 (6) railroads with names;
21 (7) streams with names; and
22 (8) water bodies with names.

23 "Historical averages" are used to determine benchmark
24 notice volumes or dig site notification areas for a particular
25 place. The notice volume is calculated for new and updated
26 requests requiring an underground utility facility owner or

1 operator response. It shall not include notices with a header
2 of no show ~~no show~~, incomplete, or no re-mark ~~no remark~~. The dig
3 site notification area is calculated using the dig site
4 polygon on the notice. The 7-day ~~7-day~~ look back shall be
5 calculated once daily at the conclusion of the previous
6 calendar day. "Historic averages" shall be determined by
7 comparing notice volumes or dig site notification areas over
8 the immediate past 7 calendar days to the same 7 calendar day
9 period for the past 5 years. A 5-year trimmed mean, removing
10 the highest and lowest years, and averaging the remaining 3
11 years, shall be the final determinant ~~determinate~~ of this
12 measurement. The official measurement of the notice volumes or
13 dig site notification areas shall be provided by JULIE.

14 "Incomplete request" means a notice initiated by an
15 excavator through JULIE to the underground utility facility
16 owners or operators notified in a prior request that such
17 underground utility facility owners or operators, as
18 identified by the excavator and confirmed, through the
19 positive response system once implemented, in accordance with
20 subsection (a) of Section 5.1, did not completely mark the
21 entire extent or the entire segment of the proposed
22 excavation, as identified on the prior notice or as previously
23 documented and mutually agreed upon.

24 "Joint meet notification" means a notice of a meeting held
25 prior to the excavation phase to discuss projects that cannot
26 be adequately communicated within a normal notice request. The

1 meeting is intended to allow the exchange of maps, plans, or
2 schedules. It is not a locating session and shall be held at or
3 near the excavation site, or through electronic means, if
4 available and agreed to by all parties. "Joint meet
5 notification" are not to be used in lieu of valid normal notice
6 requests and are required for, but not limited to, large
7 projects.

8 "JULIE, Inc." or "JULIE" means the communication system
9 known as "JULIE, Inc." or "JULIE", utilized by excavators,
10 designers, or any other entities covered by this Act to notify
11 underground utility facility owners or operators of their
12 intent to perform excavation or demolition or similar work as
13 defined by this Act and shall include all underground utility
14 facilities owned or operated outside the city limits of the
15 City of Chicago.

16 "Large project" means a single excavation that exceeds the
17 expiration date of a normal notice request, or involves a
18 series of repetitive, related-scope excavations.

19 "Normal notice request" means a notification made by an
20 excavator, through JULIE, in advance of a planned excavation
21 or demolition.

22 (1) The notification shall be made at least 2 days,
23 but no more than 10 days, before beginning the planned
24 excavation or demolition.

25 (2) Excavation or demolition on a normal notice
26 request is valid for 25 days from the date of the initial

1 request unless a subsequent extension request is made.

2 (3) Normal notice requests shall be limited to one
3 quarter of a contiguous mile within a municipality and one
4 contiguous mile within any unincorporated area, which
5 includes townships.

6 (4) Normal notice requests are valid for a single
7 right-of-way with an exception for intersecting
8 rights-of-way of 250 feet in all directions. Any
9 excavation continuing beyond 250 feet on a connecting
10 right-of-way shall require an additional request.

11 "No show request" means a notice initiated by an excavator
12 through JULIE to the underground utility facility owners or
13 operators notified in the prior notice that such underground
14 utility facility owners or operators, as identified by the
15 excavator and confirmed, once implemented, in accordance with
16 subsection (a) of Section 5.1, either failed to mark their
17 facilities or to communicate their non-involvement with the
18 excavation prior to the dig start date and time on the notice.

19 "Notice" means any record transmitted to an underground
20 utility facility owner or operator of JULIE which shall
21 include, but not be limited to, cancel, damage, emergency,
22 exposed, extension, incomplete, joint meet, no show, normal,
23 planning design, or re-mark.

24 "Open cut utility locate" means a method of locating
25 facilities that requires excavation by the underground utility
26 facility owner or operator, or their contractor or

1 subcontractor.

2 "Place" means any incorporated city, village or town, or
3 unincorporated township or road district, listed within the
4 JULIE database.

5 "Planning design request" means the process prior to the
6 excavation phase of a project where information is gathered
7 and decisions are made regarding the route or location of a
8 proposed excavation. The use of the information that is
9 obtainable pursuant to this Section is intended to minimize
10 delays of future construction projects and not for imminent
11 excavation. The underground utility facility owner or operator
12 may indicate any portion of the information that is
13 proprietary and require the planner or designer to protect the
14 proprietary information.

15 "Positive response system" means an automated system
16 facilitated by JULIE allowing underground utility facility
17 owners or operators to communicate to an excavator the
18 presence, absence, or response status of any conflict between
19 the existing facilities in or near the area of excavation or
20 demolition on each notice received.

21 "Pre-mark" means the use of white paint, chalk, lathe,
22 whisksers, flags, or electronic white lining using lines or
23 polygons to delineate the work area at the site of the proposed
24 excavation or demolition. Unless otherwise stated on the
25 request, all pre-marks are considered a request for a 5-foot
26 radius of an above ground fixed structure or single point

1 pre-mark, or a 10-foot-wide path for linear work.

2 (1) Physical pre-marking for the area of the planned
3 excavation or demolition shall be accomplished prior to
4 notifying JULIE if the area of excavation cannot be
5 clearly and adequately identified in the normal notice
6 request.

7 (2) Electronic white lining may be used when
8 available. Electronic white lining provides an alternative
9 method where an excavator may indicate their defined dig
10 area visually by electronic data entry, including lines or
11 polygons, without the need for a physical site visit. The
12 technology allows the excavator to identify for the
13 underground utility facility owner or operator a clear
14 delineation of their proposed excavation area.

15 (3) A verbal or written pre-mark is adequate when the
16 scope requested to be marked is narrow and explicit enough
17 to prevent marking beyond the actual area of excavation or
18 demolition. An existing above ground fixed structure may
19 be referenced as a verbal or written pre-mark.

20 "Project owner" means the person or legal entity, public
21 or private, that is financially responsible for the
22 undertaking of a project that involves excavation or
23 demolition.

24 "Reasonable control measurement" shall use the historical
25 averages and add to the calculation either of the following
26 conditions that shall be met for the place to be considered

1 beyond the reasonable control of the underground utility
2 facility owner or operator:

3 (1) the total notice volume count over the previous 7
4 calendar days shall increase by more than 15% of the
5 historic average, and increase by not less than 25
6 additional notices over the previous 7 calendar days; or

7 (2) the total dig site notification area over the
8 previous 7 calendar days shall increase by more than 15%
9 of the historic average, and not less than 0.4 additional
10 square miles over the previous 7 calendar days.

11 The official measurement shall be provided by JULIE.

12 "Residential property owner" means any individual or
13 entity that owns or leases real property that is used by the
14 individual or entity as its residence or dwelling. Residential
15 property owner does not include any persons who own or lease
16 residential property for the purpose of holding or developing
17 such property or for any other business or commercial
18 purposes.

19 "Roadway surface milling" means the removal of a uniform
20 pavement section by rotomilling, grinding, saw cutting, or
21 other means that does not penetrate into the roadway base or
22 subbase.

23 "Service lateral" means underground facilities located in
24 a public right-of-way or utility easement that connects an end
25 user's building or property to an underground utility facility
26 owner's or operator's facility.

1 "Submerged" means any facility installed below the surface
2 of a lake, river, or navigable waterway.

3 "Tolerance zone" means:

4 (1) if the diameter of the underground utility
5 facility is indicated, the distance of one-half of the
6 known diameter plus one and one-half feet on either side
7 of the designated center line of the underground utility
8 facility marking;

9 (2) if the diameter of the underground utility
10 facility is not indicated, one and one-half feet on either
11 side of the outside edge of the underground utility
12 facility marking; or

13 (3) if submerged, a distance of 30 feet on either side
14 of the indicated facility.

15 The underground utility facility markings provided
16 shall not indicate that the width of the marked
17 underground utility facility is any greater than the
18 actual width of the underground utility facility or 2
19 inches, whichever is greater. The tolerance zone shall
20 also apply to visible utility structures, including, but
21 not limited to, poles with overhead to underground
22 transitions, pedestals, transformers, meters, hydrants,
23 and valve boxes. There shall be a one and one-half foot
24 tolerance zone horizontally around such facilities.

25 "Underground utility facility" or "facility" means and
26 includes wires, ducts, fiber optic cable, conduits, pipes,

1 sewers, and cables and their connected appurtenances installed
2 or existing beneath the surface of the ground or submerged and
3 either owned, operated, or controlled by:

4 (1) a public utility as defined in the Public
5 Utilities Act;

6 (2) a municipally owned or mutually owned utility
7 providing a similar utility service;

8 (3) a pipeline entity transporting gases, crude oil,
9 petroleum products, or other hydrocarbon materials within
10 the State;

11 (4) a telecommunications carrier as defined in the
12 Universal Telephone Service Protection Law of 1985, or by
13 a company described in Section 1 of the Telephone Company
14 Act;

15 (5) a community antenna television system, as defined
16 in the Illinois Municipal Code or the Counties Code;

17 (6) a holder or broadband service, as those terms are
18 defined in the Cable and Video Competition Law of 2007;

19 (7) any other entity owning or operating underground
20 facilities that transport or generate electrical power to
21 other utility owners or operators;

22 (8) an electric cooperative as defined in the Public
23 Utilities Act; and

24 (9) any other active member of JULIE.

25 (Source: P.A. 103-614, eff. 1-1-25; revised 11-22-24.)

1 (220 ILCS 50/4.1)

2 Sec. 4.1. Watch and protect.

3 (a) If, upon notice from JULIE, an underground utility
4 facility owner or operator determines that the facility is
5 within the proposed excavation area and the underground
6 utility facility owner or operator desires to have an
7 authorized representative present during excavation near the
8 facility, the underground utility facility owner or operator
9 shall contact the excavator prior to the dig start date and
10 time provided on the notice to schedule a date and time for the
11 underground utility facility owner or operator to be present
12 when excavation will occur near the facility.

13 (b) All excavators shall comply with the underground
14 utility facility owner's or operator's request to be present
15 during excavation near an ~~a~~ owner or operator's facilities. In
16 lieu of having an authorized representative present, the
17 underground utility facility owner or operator may choose to
18 perform an open cut utility locate of the facility to expose
19 its location. The underground utility facility owner or
20 operator shall comply with the excavator's schedule for when
21 excavation will occur near the facility.

22 (c) After excavation has started, if excavation near the
23 underground utility facilities stops by more than one day and
24 then recommences, the excavator shall establish direct contact
25 with the underground utility facility owner or operator not
26 less than one day prior to the excavation, each time the

1 excavation is to occur, to advise the underground utility
2 facility owner or operator of the excavation taking place.

3 (d) Nothing in this Section shall prohibit an excavator
4 from excavating prudently and carefully near the underground
5 utility facility without the underground utility facility
6 owner or operator present if the underground utility facility
7 owner or operator waives the request to be present or to
8 complete an open cut utility locate exposing the facility or
9 is unable to comply with the excavator's schedule.

10 (Source: P.A. 103-614, eff. 1-1-25; revised 12-1-24.)

11 (220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

12 Sec. 10. Record of notice; marking of facilities.

13 (a) Upon notice by the excavator, the underground utility
14 facility owners or operators in or near the excavation or
15 demolition area shall cause a record to be made of the notice
16 and shall mark, by the dig start date and time indicated on the
17 notice, the approximate locations of such facilities so as to
18 enable the excavator to establish the location of the
19 facilities.

20 For submerged facilities, when the owner or operator of
21 the submerged facilities determines that a proposed excavation
22 or demolition which could include anchoring, pile driving,
23 dredging, or any other water bottom contact for any means
24 performed is in proximity to or in conflict with, submerged
25 facilities located under a lake, river, or navigable waterway,

1 the owner or operator of the submerged facilities shall
2 identify the estimated horizontal route of the submerged
3 facilities, within 15 days or by a date and time mutually
4 agreed to, using marking buoys, other suitable devices, or GPS
5 location data unless directed otherwise by an agency having
6 jurisdiction over the waters under which the submerged
7 facilities are located.

8 (b) Underground utility facility owners or operators of
9 sewer facilities shall be required to respond and mark the
10 approximate location of those sewer facilities when the
11 excavator indicates, in the notice required in Section 4, that
12 the excavation or demolition project will exceed a depth of 7
13 feet. "Depth", in this case, is defined as the distance
14 measured vertically from the surface of the ground to the top
15 of the sewer facility.

16 (c) Underground utility facility owners or operators of
17 sewer facilities shall be required at all times to mark the
18 approximate location of those sewer facilities when:

19 (1) directional boring is the indicated type of
20 excavation work being performed within the notice;

21 (2) the sewer facilities owned are non-gravity,
22 pressurized force mains; or

23 (3) the excavation indicated will occur in the
24 immediate proximity of known sewer facilities that are
25 less than 7 feet deep.

26 (d) Underground utility facility owners or operators of

1 sewer facilities shall not hold an excavator liable for
2 damages that occur to sewer facilities that were not required
3 to be marked under this Section, provided that prompt notice
4 of known damage is made to JULIE and the underground utility
5 facility owners or operators as required in Section 7.

6 (e) All entities subject to the requirements of this Act
7 shall plan and conduct their work consistent with reasonable
8 business practices.

9 (1) Conditions may exist making it unreasonable to
10 request that locations be marked by the dig start date and
11 time indicated on the notice.

12 (A) In such situations, the excavator and the
13 underground utility facility owner or operator shall
14 interact in good faith to establish a mutually
15 agreeable date and time for the completion of the
16 request.

17 (B) All mutually agreed upon modifications to the
18 dig start date and time shall be fully documented by
19 the underground utility facility owner or operator and
20 include, at a minimum, the date and time of the
21 interaction, the names of the individuals involved,
22 and acknowledgment by the individuals that agreed to
23 the modification and the new dig start date and time
24 that was mutually agreed upon by both parties. The
25 underground utility facility owner or operator shall
26 retain through JULIE, Inc., the documentation for at

1 least 5 years after the date of the expiration of the
2 notice.

3 (2) It is unreasonable to request underground utility
4 facility owners or operators to mark all of their
5 facilities in an affected area upon short notice in
6 advance of a large nonemergency project.

7 (3) It is unreasonable to request extensive notices in
8 excess of a reasonable excavation or demolition work
9 schedule.

10 (4) It is unreasonable to request notices under
11 conditions where a repeat request is likely to be made
12 because of the passage of time or adverse job conditions.

13 (5) During periods where the notice volumes or dig
14 site notification areas exceed the historical averages as
15 determined by the reasonable control measurements for the
16 place, only those additional non-emergency requests that
17 are not part of a large project, when that large project
18 has been submitted at least 60 days in advance of the start
19 of the large project by underground utility facility
20 owners or operators or their contractors or subcontractors
21 for excavation work for the underground utility facility
22 owners or operators within the place, may be subject to a
23 request from the underground utility facility owner or
24 operator or the owner or operator's locate contractors or
25 subcontractors for an additional wait time of up to 2 days
26 for the underground utility facility owner or operator,

1 whether utilizing in-house or contract locators, to
2 respond to locate and mark, or provide a no conflict
3 response. It is the responsibility of the requesting
4 underground utility facility owner or operator to document
5 any modification as outlined in paragraph (1) of
6 subsection (e) of Section 10.

7 (f) Underground utility facility owners or operators,
8 whether utilizing in-house or contract locators, and the owner
9 or operator's locate contractors or subcontractors must
10 reasonably anticipate seasonal fluctuations in the number of
11 notices and staff accordingly.

12 Seasonal fluctuations shall not be considered within the
13 reasonable control of underground utility facility owners or
14 operators and the owner or operator's locate contractors or
15 subcontractors within a place or places, when the notice
16 volumes exceed the historical averages as determined by the
17 reasonable control measurement, for non-emergency requests for
18 utility excavation work for underground utility facility
19 owners or operators, that is not part of a large project that
20 has provided at least a 60-day ~~60-day~~ advance notice.

21 Only utility excavators when doing utility work may be
22 impacted by this subsection and may incur an additional wait
23 time of up to 2 days.

24 (g) If an underground utility facility owner or operator
25 receives a notice under this Section but does not own or
26 operate any facilities within the proposed excavation or

1 demolition area described in the notice, that underground
2 utility facility owner or operator, by the dig start date and
3 time on the notice, shall so notify the excavator who
4 initiated the notice in accordance with Section 5.1, and prior
5 to January 1, 2026, may be provided in any reasonable manner
6 including, but not limited to, notification in any one of the
7 following ways:

8 (1) by face-to-face communication;

9 (2) by phone or phone message;

10 (3) by facsimile or email;

11 (4) by posting in the excavation or demolition area;

12 or

13 (5) by marking the excavation or demolition area.

14 (h) The underground utility facility owner or operator has
15 discharged the underground utility facility owner's or
16 operator's obligation to provide notice under this Section if
17 the underground utility facility owner or operator attempts to
18 provide notice utilizing the positive response system, in
19 accordance with Section 5.1, and prior to January 1, 2026, by:

20 (1) telephone, but is unable to do so because the
21 excavator does not answer the telephone and does not have
22 the ability to receive telephone messages;

23 (2) facsimile, if the excavator has supplied a
24 facsimile number and does not have a facsimile machine in
25 operation to receive the facsimile transmission; or

26 (3) email, if the excavator has supplied an email

1 address and the message is electronically undeliverable.

2 If the underground utility facility owner or operator
3 attempts to provide additional notice by telephone or by
4 facsimile but receives a busy signal, that attempt shall not
5 serve to discharge the underground utility facility owner or
6 operator of the obligation to provide notice under this
7 Section.

8 (i) Any excavator or legal entity, public or private, who,
9 on or after January 1, 2026, installs a nonconductive service
10 lateral shall ensure that the installation is locatable by
11 electromagnetic means or other equally effective means for
12 marking the location of the service lateral. This subsection
13 does not apply to minor repairs to, or partial replacements
14 of, service laterals installed prior to January 1, 2026.

15 (j) For the purposes of this Act, the following color
16 coding shall be used to mark the approximate location of
17 facilities by the underground utility facility owners or
18 operators who may utilize a combination of flags, lathe with
19 colored ribbon, chalk, whiskers, or paint as dig site and
20 seasonal conditions warrant.

21 Facility type	Identification Color

22 Underground utility facility owner or	
23 operator or contract locator use only	

24

Electric Power, Distribution and	
Transmission	Safety Red
Municipal Electric Systems	Safety Red
Gas Distribution and Transmission	High Visibility
	Safety Yellow
Oil Distribution and Transmission	High Visibility
	Safety Yellow
Communication Systems	Safety Alert Orange
Water Systems	Safety Precaution
	Blue
Sewer Systems	Safety Green
Non-potable Water and Slurry Lines	Safety Purple
Excavator Use Only	
Temporary Survey	Safety Pink
Proposed Excavation	Safety White (Black
	when snow is on the
	ground)

(Source: P.A. 103-614, eff. 1-1-25; revised 11-22-24.)

(220 ILCS 50/12) (from Ch. 111 2/3, par. 1612)

Sec. 12. Noncompliance and enforcement action time frames. No action may be brought by the Illinois Commerce Commission under Section 11 of this Act unless commenced within 2 years

1 after the date of the alleged violation of this Act.

2 Beginning January 1, 2025, all parties submitting alleged
3 violations to the Illinois Commerce Commission shall use the
4 forms provided and shall submit no later than 65 days after the
5 discovery of the alleged violation. Any report of an alleged
6 violation received later than 65 days after the discovery of
7 the alleged violation shall be subject to a penalty as
8 provided for in Section 11.

9 Beginning January 1, 2025, the Illinois Commerce
10 Commission shall provide notice of investigation to the
11 parties involved in the alleged violation report within 20
12 days after the receipt of the alleged violation report.

13 Once a notice of investigation has been sent for all
14 alleged violations reported on or after January 1, 2025, no
15 further action may be brought by the Illinois Commerce
16 Commission under Section 11 unless the notice of violation has
17 been provided by the Illinois Commerce Commission staff to the
18 entity determined to be in violation within 195 days after the
19 date of the notice of investigation. For alleged violations
20 that involve utility damage, personal injury or death, or
21 property damage, an additional 130 days shall be allowed for
22 the Illinois Commerce Commission staff to determine if the
23 alleged entity was in violation.

24 Beginning July 1, 2025, the Illinois Commerce Commission
25 shall provide for public review a monthly report listing all
26 of the reports of alleged violations it received in the prior

1 month. The listing shall be available by the end of the
2 violations report. The listing shall be available by the end
3 of the second full week for all reports from the previous
4 month. The listing shall, at a minimum, include: (1) the name
5 of the party submitting the alleged violation; (2) the name of
6 the party and the name of the project owner that is alleged to
7 be in violation; (3) the date the alleged violation report is
8 submitted; and (4) the Section or Sections of the Act
9 applicable to the submitted alleged violation.

10 JULIE, Inc., may submit reports to the Illinois Commerce
11 Commission for alleged violations of Section 5.1.

12 (Source: P.A. 103-614, eff. 1-1-25; revised 11-22-24.)

13 Section 815. The Child Care Act of 1969 is amended by
14 changing Sections 2.09, 3, 4, 5.01, 5.1, 7.10, 18, and 18.1 as
15 follows:

16 (225 ILCS 10/2.09)

17 (Text of Section before amendment by P.A. 103-594)

18 Sec. 2.09. "Day care center" means any child care facility
19 which regularly provides day care for less than 24 hours per
20 day, except as provided for in Section 5.12, for (1) more than
21 8 children in a family home, or (2) more than 3 children in a
22 facility other than a family home, including senior citizen
23 buildings.

24 The term does not include:

1 (a) programs operated by (i) public or private
2 elementary school systems or secondary level school units
3 or institutions of higher learning that serve children who
4 shall have attained the age of 3 years or (ii) private
5 entities on the grounds of public or private elementary or
6 secondary schools and that serve children who have
7 attained the age of 3 years, except that this exception
8 applies only to the facility and not to the private
9 entities' personnel operating the program;

10 (b) programs or that portion of the program which
11 serves children who shall have attained the age of 3 years
12 and which are recognized by the State Board of Education;

13 (c) educational program or programs serving children
14 who shall have attained the age of 3 years and which are
15 operated by a school which is registered with the State
16 Board of Education and which is recognized or accredited
17 by a recognized national or multistate educational
18 organization or association which regularly recognizes or
19 accredits schools;

20 (d) programs which exclusively serve or that portion
21 of the program which serves children with disabilities who
22 shall have attained the age of 3 years but are less than 21
23 years of age and which are registered and approved as
24 meeting standards of the State Board of Education and
25 applicable fire marshal standards;

26 (e) facilities operated in connection with a shopping

1 center or service, religious services, or other similar
2 facility, where transient children are cared for
3 temporarily while parents or custodians of the children
4 are occupied on the premises and readily available;

5 (f) any type of day care center that is conducted on
6 federal government premises;

7 (g) special activities programs, including athletics,
8 recreation, crafts instruction, and similar activities
9 conducted on an organized and periodic basis by civic,
10 charitable and governmental organizations, including, but
11 not limited to, programs offered by park districts
12 organized under the Park District Code to children who
13 shall have attained the age of 3 years old if the program
14 meets no more than 3.5 continuous hours at a time or less
15 and no more than 25 hours during any week, and the park
16 district conducts background investigations on employees
17 of the program pursuant to Section 8-23 of the Park
18 District Code;

19 (h) part day child care facilities, as defined in
20 Section 2.10 of this Act;

21 (i) programs or that portion of the program which:

22 (1) serves children who shall have attained the
23 age of 3 years;

24 (2) is operated by churches or religious
25 institutions as described in Section 501(c)(3) of the
26 federal Internal Revenue Code;

1 (3) receives no governmental aid;

2 (4) is operated as a component of a religious,
3 nonprofit elementary school;

4 (5) operates primarily to provide religious
5 education; and

6 (6) meets appropriate State or local health and
7 fire safety standards; or

8 (j) programs or portions of programs that:

9 (1) serve only school-age children and youth
10 (defined as full-time kindergarten children, as
11 defined in 89 Ill. Adm. Code 407.45, or older);

12 (2) are organized to promote childhood learning,
13 child and youth development, educational or
14 recreational activities, or character-building;

15 (3) operate primarily during out-of-school time or
16 at times when school is not normally in session;

17 (4) comply with the standards of the Illinois
18 Department of Public Health (77 Ill. Adm. Code 750) or
19 the local health department, the Illinois State Fire
20 Marshal (41 Ill. Adm. Code 100), and the following
21 additional health and safety requirements: procedures
22 for employee and volunteer emergency preparedness and
23 practice drills; procedures to ensure that first aid
24 kits are maintained and ready to use; the placement of
25 a minimum level of liability insurance as determined
26 by the Department; procedures for the availability of

1 a working telephone that is onsite and accessible at
2 all times; procedures to ensure that emergency phone
3 numbers are posted onsite; and a restriction on
4 handgun or weapon possession onsite, except if
5 possessed by a peace officer;

6 (5) perform and maintain authorization and results
7 of criminal history checks through the Illinois State
8 Police and FBI and checks of the Illinois Sex Offender
9 Registry, the National Sex Offender Registry, and
10 Child Abuse and Neglect Tracking System for employees
11 and volunteers who work directly with children;

12 (6) make hiring decisions in accordance with the
13 prohibitions against barrier crimes as specified in
14 Section 4.2 of this Act or in Section 21B-80 of the
15 School Code;

16 (7) provide parents with written disclosure that
17 the operations of the program are not regulated by
18 licensing requirements; and

19 (8) obtain and maintain records showing the first
20 and last name and date of birth of the child, name,
21 address, and telephone number of each parent,
22 emergency contact information, and written
23 authorization for medical care.

24 Programs or portions of programs requesting Child Care
25 Assistance Program (CCAP) funding and otherwise meeting the
26 requirements under item (j) shall request exemption from the

1 Department and be determined exempt prior to receiving funding
2 and must annually meet the eligibility requirements and be
3 appropriate for payment under the CCAP.

4 Programs or portions of programs under item (j) that do
5 not receive State or federal funds must comply with staff
6 qualification and training standards established by rule by
7 the Department of Human Services. The Department of Human
8 Services shall set such standards after review of Afterschool
9 for Children and Teens Now (ACT Now) evidence-based quality
10 standards developed for school-age out-of-school time
11 programs, feedback from the school-age out-of-school time
12 program professionals, and review of out-of-school time
13 professional development frameworks and quality tools.

14 Out-of-school time programs for school-age youth that
15 receive State or federal funds must comply with only those
16 staff qualifications and training standards set for the
17 program by the State or federal entity issuing the funds.

18 For purposes of items (a), (b), (c), (d), and (i) of this
19 Section, "children who shall have attained the age of 3 years"
20 shall mean children who are 3 years of age, but less than 4
21 years of age, at the time of enrollment in the program.

22 (Source: P.A. 103-153, eff. 6-30-23; 103-952, eff. 1-1-25.)

23 (Text of Section after amendment by P.A. 103-594)

24 Sec. 2.09. "Day care center" means any child care facility
25 which regularly provides day care for less than 24 hours per

1 day, except as provided for in Section 5.12, for (1) more than
2 8 children in a family home, or (2) more than 3 children in a
3 facility other than a family home, including senior citizen
4 buildings.

5 The term does not include:

6 (a) programs operated by (i) public or private
7 elementary school systems or secondary level school units
8 or institutions of higher learning that serve children who
9 shall have attained the age of 3 years or (ii) private
10 entities on the grounds of public or private elementary or
11 secondary schools and that serve children who have
12 attained the age of 3 years, except that this exception
13 applies only to the facility and not to the private
14 entities' personnel operating the program;

15 (b) programs or that portion of the program which
16 serves children who shall have attained the age of 3 years
17 and which are recognized by the State Board of Education;

18 (c) educational program or programs serving children
19 who shall have attained the age of 3 years and which are
20 operated by a school which is registered with the State
21 Board of Education and which is recognized or accredited
22 by a recognized national or multistate educational
23 organization or association which regularly recognizes or
24 accredits schools;

25 (d) programs which exclusively serve or that portion
26 of the program which serves children with disabilities who

1 shall have attained the age of 3 years but are less than 21
2 years of age and which are registered and approved as
3 meeting standards of the State Board of Education and
4 applicable fire marshal standards;

5 (e) facilities operated in connection with a shopping
6 center or service, religious services, or other similar
7 facility, where transient children are cared for
8 temporarily while parents or custodians of the children
9 are occupied on the premises and readily available;

10 (f) any type of day care center that is conducted on
11 federal government premises;

12 (g) special activities programs, including athletics,
13 recreation, crafts instruction, and similar activities
14 conducted on an organized and periodic basis by civic,
15 charitable and governmental organizations, including, but
16 not limited to, programs offered by park districts
17 organized under the Park District Code to children who
18 shall have attained the age of 3 years old if the program
19 meets no more than 3.5 continuous hours at a time or less
20 and no more than 25 hours during any week, and the park
21 district conducts background investigations on employees
22 of the program pursuant to Section 8-23 of the Park
23 District Code;

24 (h) part day child care facilities, as defined in
25 Section 2.10 of this Act;

26 (i) programs or that portion of the program which:

1 (1) serves children who shall have attained the
2 age of 3 years;

3 (2) is operated by churches or religious
4 institutions as described in Section 501(c)(3) of the
5 federal Internal Revenue Code;

6 (3) receives no governmental aid;

7 (4) is operated as a component of a religious,
8 nonprofit elementary school;

9 (5) operates primarily to provide religious
10 education; and

11 (6) meets appropriate State or local health and
12 fire safety standards; or

13 (j) programs or portions of programs that:

14 (1) serve only school-age children and youth
15 (defined as full-time kindergarten children, as
16 defined in 89 Ill. Adm. Code 407.45, or older);

17 (2) are organized to promote childhood learning,
18 child and youth development, educational or
19 recreational activities, or character-building;

20 (3) operate primarily during out-of-school time or
21 at times when school is not normally in session;

22 (4) comply with the standards of the Illinois
23 Department of Public Health (77 Ill. Adm. Code 750) or
24 the local health department, the Illinois State Fire
25 Marshal (41 Ill. Adm. Code 100), and the following
26 additional health and safety requirements: procedures

1 for employee and volunteer emergency preparedness and
2 practice drills; procedures to ensure that first aid
3 kits are maintained and ready to use; the placement of
4 a minimum level of liability insurance as determined
5 by the Department; procedures for the availability of
6 a working telephone that is onsite and accessible at
7 all times; procedures to ensure that emergency phone
8 numbers are posted onsite; and a restriction on
9 handgun or weapon possession onsite, except if
10 possessed by a peace officer;

11 (5) perform and maintain authorization and results
12 of criminal history checks through the Illinois State
13 Police and FBI and checks of the Illinois Sex Offender
14 Registry, the National Sex Offender Registry, and
15 Child Abuse and Neglect Tracking System for employees
16 and volunteers who work directly with children;

17 (6) make hiring decisions in accordance with the
18 prohibitions against barrier crimes as specified in
19 Section 4.2 of this Act or in Section 21B-80 of the
20 School Code;

21 (7) provide parents with written disclosure that
22 the operations of the program are not regulated by
23 licensing requirements; and

24 (8) obtain and maintain records showing the first
25 and last name and date of birth of the child, name,
26 address, and telephone number of each parent,

1 emergency contact information, and written
2 authorization for medical care.

3 Out-of-school time programs for school-age youth that
4 receive State or federal funds must comply with only those
5 staff qualifications and training standards set for the
6 program by the State or federal entity issuing the funds.

7 For purposes of items (a), (b), (c), (d), and (i) of this
8 Section, "children who shall have attained the age of 3 years"
9 shall mean children who are 3 years of age, but less than 4
10 years of age, at the time of enrollment in the program.

11 (Source: P.A. 103-153, eff. 6-30-23; 103-594, eff. 7-1-26;
12 103-952, eff. 1-1-25; revised 11-26-24.)

13 (225 ILCS 10/3)

14 (Text of Section before amendment by P.A. 103-594)

15 Sec. 3. (a) No person, group of persons or corporation may
16 operate or conduct any facility for child care, as defined in
17 this Act, without a license or permit issued by the Department
18 or without being approved by the Department as meeting the
19 standards established for such licensing, with the exception
20 of facilities for whom standards are established by the
21 Department of Corrections under Section 3-15-2 of the Unified
22 Code of Corrections, ~~and~~ with the exception of facilities
23 defined in Section 2.10 of this Act, and with the exception of
24 programs or facilities licensed by the Department of Human
25 Services under the Substance Use Disorder Act.

1 (b) No part day child care facility as described in
2 Section 2.10 may operate without written notification to the
3 Department or without complying with Section 7.1. Notification
4 shall include a notarized statement by the facility that the
5 facility complies with State ~~state~~ or local health standards
6 and State ~~state~~ fire safety standards, and shall be filed with
7 the department every 2 years.

8 (c) The Director of the Department shall establish
9 policies and coordinate activities relating to child care
10 licensing, licensing of day care homes and day care centers.

11 (d) Any facility or agency which is exempt from licensing
12 may apply for licensing if licensing is required for some
13 government benefit.

14 (e) A provider of day care described in items (a) through
15 (j) of Section 2.09 of this Act is exempt from licensure. The
16 Department shall provide written verification of exemption and
17 description of compliance with standards for the health,
18 safety, and development of the children who receive the
19 services upon submission by the provider of, in addition to
20 any other documentation required by the Department, a
21 notarized statement that the facility complies with: (1) the
22 standards of the Department of Public Health or local health
23 department, (2) the fire safety standards of the State Fire
24 Marshal, and (3) if operated in a public school building, the
25 health and safety standards of the State Board of Education.

26 (f) Through June 30, 2029, either a qualified child care

1 director, as described in 89 Ill. Adm. Code 407.130, or a
2 qualified early childhood teacher, as described in 89 Ill.
3 Adm. Code 407.140, with a minimum of 2,880 hours of experience
4 as an early childhood teacher at the early childhood teacher's
5 current facility must be present for the first and last hour of
6 the workday and at the open or close of the facility. The
7 Department shall adopt rules to implement this subsection.
8 Such rules must be filed with the Joint Committee on
9 Administrative Rules no later than January 1, 2025.

10 (Source: P.A. 103-821, eff. 8-9-24; revised 10-10-24.)

11 (Text of Section after amendment by P.A. 103-594)

12 Sec. 3. (a) No person, group of persons or corporation may
13 operate or conduct any facility for child care, as defined in
14 this Act, without a license or permit issued by the Department
15 or without being approved by the Department as meeting the
16 standards established for such licensing, with the exception
17 of facilities for whom standards are established by the
18 Department of Corrections under Section 3-15-2 of the Unified
19 Code of Corrections, ~~and~~ with the exception of facilities
20 defined in Section 2.10 of this Act, ~~and~~ with the exception of
21 programs or facilities licensed by the Department of Human
22 Services under the Substance Use Disorder Act, and with the
23 exception of day care centers, day care homes, and group day
24 care homes.

25 (b) (Blank).

1 (c) (Blank).

2 (d) Any facility or agency which is exempt from licensing
3 may apply for licensing if licensing is required for some
4 government benefit.

5 (e) (Blank).

6 (f) Through June 30, 2029, either a qualified child care
7 director, as described in 89 Ill. Adm. Code 407.130, or a
8 qualified early childhood teacher, as described in 89 Ill.
9 Adm. Code 407.140, with a minimum of 2,880 hours of experience
10 as an early childhood teacher at the early childhood teacher's
11 current facility must be present for the first and last hour of
12 the workday and at the open or close of the facility. The
13 Department shall adopt rules to implement this subsection.
14 Such rules must be filed with the Joint Committee on
15 Administrative Rules no later than January 1, 2025.

16 (Source: P.A. 103-594, eff. 7-1-26; 103-821, eff. 8-9-24;
17 revised 10-10-24.)

18 (225 ILCS 10/4)

19 (Text of Section before amendment by P.A. 103-594)

20 Sec. 4. License requirement; application; notice.

21 (a) Any person, group of persons or corporation who or
22 which receives children or arranges for care or placement of
23 one or more children unrelated to the operator must apply for a
24 license to operate one of the types of facilities defined in
25 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any

1 relative, as defined in Section 2.17 of this Act, who receives
2 a child or children for placement by the Department on a
3 full-time basis may apply for a license to operate a foster
4 family home as defined in Section 2.17 of this Act.

5 (a-5) Any agency, person, group of persons, association,
6 organization, corporation, institution, center, or group
7 providing adoption services must be licensed by the Department
8 as a child welfare agency as defined in Section 2.08 of this
9 Act. "Providing adoption services", as used in this Act,
10 includes facilitating or engaging in adoption services.

11 (b) Application for a license to operate a child care
12 facility must be made to the Department in the manner and on
13 forms prescribed by it. An application to operate a foster
14 family home shall include, at a minimum: a completed written
15 form; written authorization by the applicant and all adult
16 members of the applicant's household to conduct a criminal
17 background investigation; medical evidence in the form of a
18 medical report, on forms prescribed by the Department, that
19 the applicant and all members of the household are free from
20 communicable diseases or physical and mental conditions that
21 affect their ability to provide care for the child or
22 children; the names and addresses of at least 3 persons not
23 related to the applicant who can attest to the applicant's
24 moral character; the name and address of at least one relative
25 who can attest to the applicant's capability to care for the
26 child or children; and fingerprints submitted by the applicant

1 and all adult members of the applicant's household.

2 (b-5) Prior to submitting an application for a foster
3 family home license, a quality of care concerns applicant as
4 defined in Section 2.22a of this Act must submit a preliminary
5 application to the Department in the manner and on forms
6 prescribed by it. The Department shall explain to the quality
7 of care concerns applicant the grounds for requiring a
8 preliminary application. The preliminary application shall
9 include a list of (i) all children placed in the home by the
10 Department who were removed by the Department for reasons
11 other than returning to a parent and the circumstances under
12 which they were removed and (ii) all children placed by the
13 Department who were subsequently adopted by or placed in the
14 private guardianship of the quality of care concerns applicant
15 who are currently under 18 and who no longer reside in the home
16 and the reasons why they no longer reside in the home. The
17 preliminary application shall also include, if the quality of
18 care concerns applicant chooses to submit, (1) a response to
19 the quality of care concerns, including any reason the
20 concerns are invalid, have been addressed or ameliorated, or
21 no longer apply and (2) affirmative documentation
22 demonstrating that the quality of care concerns applicant's
23 home does not pose a risk to children and that the family will
24 be able to meet the physical and emotional needs of children.
25 The Department shall verify the information in the preliminary
26 application and review (i) information regarding any prior

1 licensing complaints, (ii) information regarding any prior
2 child abuse or neglect investigations, (iii) information
3 regarding any involuntary foster home holds placed on the home
4 by the Department, and (iv) information regarding all child
5 exit interviews, as provided in Section 5.26 of the Children
6 and Family Services Act, regarding the home. Foster home
7 applicants with quality of care concerns are presumed
8 unsuitable for future licensure.

9 Notwithstanding the provisions of this subsection (b-5),
10 the Department may make an exception and issue a foster family
11 license to a quality of care concerns applicant if the
12 Department is satisfied that the foster family home does not
13 pose a risk to children and that the foster family will be able
14 to meet the physical and emotional needs of children. In
15 making this determination, the Department must obtain and
16 carefully review all relevant documents and shall obtain
17 consultation from its Clinical Division as appropriate and as
18 prescribed by Department rule and procedure. The Department
19 has the authority to deny a preliminary application based on
20 the record of quality of care concerns of the foster family
21 home. In the alternative, the Department may (i) approve the
22 preliminary application, (ii) approve the preliminary
23 application subject to obtaining additional information or
24 assessments, or (iii) approve the preliminary application for
25 purposes of placing a particular child or children only in the
26 foster family home. If the Department approves a preliminary

1 application, the foster family shall submit an application for
2 licensure as described in subsection (b) of this Section. The
3 Department shall notify the quality of care concerns applicant
4 of its decision and the basis for its decision in writing.

5 (c) The Department shall notify the public when a child
6 care institution, maternity center, or group home licensed by
7 the Department undergoes a change in (i) the range of care or
8 services offered at the facility or (ii) the type of children
9 served. The Department shall notify the public of the change
10 in a newspaper of general circulation in the county or
11 municipality in which the applicant's facility is or is
12 proposed to be located.

13 (c-5) When a child care institution, maternity center, or
14 a group home licensed by the Department undergoes a change in
15 (i) the age of children served or (ii) the area within the
16 facility used by children, the Department shall post
17 information regarding proposed changes on its website as
18 required by rule.

19 (d) If, upon examination of the facility and investigation
20 of persons responsible for care of children and, in the case of
21 a foster home, taking into account information obtained for
22 purposes of evaluating a preliminary application, if
23 applicable, the Department is satisfied that the facility and
24 responsible persons reasonably meet standards prescribed for
25 the type of facility for which application is made, it shall
26 issue a license in proper form, designating on that license

1 the type of child care facility and, except for a child welfare
2 agency, the number of children to be served at any one time.

3 (e) The Department shall not issue or renew the license of
4 any child welfare agency providing adoption services, unless
5 the agency (i) is officially recognized by the United States
6 Internal Revenue Service as a tax-exempt organization
7 described in Section 501(c)(3) of the Internal Revenue Code of
8 1986 (or any successor provision of federal tax law) and (ii)
9 is in compliance with all of the standards necessary to
10 maintain its status as an organization described in Section
11 501(c)(3) of the Internal Revenue Code of 1986 (or any
12 successor provision of federal tax law). The Department shall
13 grant a grace period of 24 months from August 15, 2005 (the
14 effective date of Public Act 94-586) ~~this amendatory Act of~~
15 ~~the 94th General Assembly~~ for existing child welfare agencies
16 providing adoption services to obtain 501(c)(3) status. The
17 Department shall permit an existing child welfare agency that
18 converts from its current structure in order to be recognized
19 as a 501(c)(3) organization as required by this Section to
20 either retain its current license or transfer its current
21 license to a newly formed entity, if the creation of a new
22 entity is required in order to comply with this Section,
23 provided that the child welfare agency demonstrates that it
24 continues to meet all other licensing requirements and that
25 the principal officers and directors and programs of the
26 converted child welfare agency or newly organized child

1 welfare agency are substantially the same as the original. The
2 Department shall have the sole discretion to grant a one-year
3 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
4 status within the timeframe specified in this subsection (e),
5 provided that such agency has filed an application for
6 501(c)(3) status with the Internal Revenue Service within the
7 2-year timeframe specified in this subsection (e).

8 (f) The Department shall adopt rules to implement the
9 changes to this Section made by Public Act 103-770 ~~this~~
10 ~~amendatory Act of the 103rd General Assembly~~ no later than
11 January 1, 2025.

12 (Source: P.A. 102-763, eff. 1-1-23; 103-770, eff. 1-1-25;
13 revised 8-20-24.)

14 (Text of Section after amendment by P.A. 103-594)

15 Sec. 4. License requirement; application; notice;
16 Department of Children and Family Services.

17 (a) Any person, group of persons or corporation who or
18 which receives children or arranges for care or placement of
19 one or more children unrelated to the operator must apply for a
20 license to operate one of the types of facilities defined in
21 Sections 2.05 through 2.19 (other than a day care center or day
22 care home) and in Section 2.22 of this Act. Any relative, as
23 defined in Section 2.17 of this Act, who receives a child or
24 children for placement by the Department on a full-time basis
25 may apply for a license to operate a foster family home as

1 defined in Section 2.17 of this Act.

2 (a-5) Any agency, person, group of persons, association,
3 organization, corporation, institution, center, or group
4 providing adoption services must be licensed by the Department
5 as a child welfare agency as defined in Section 2.08 of this
6 Act. "Providing adoption services", as used in this Act,
7 includes facilitating or engaging in adoption services.

8 (b) Application for a license to operate a child care
9 facility (other than a day care center, day care home, or group
10 day care home) must be made to the Department in the manner and
11 on forms prescribed by it. An application to operate a foster
12 family home shall include, at a minimum: a completed written
13 form; written authorization by the applicant and all adult
14 members of the applicant's household to conduct a criminal
15 background investigation; medical evidence in the form of a
16 medical report, on forms prescribed by the Department, that
17 the applicant and all members of the household are free from
18 communicable diseases or physical and mental conditions that
19 affect their ability to provide care for the child or
20 children; the names and addresses of at least 3 persons not
21 related to the applicant who can attest to the applicant's
22 moral character; the name and address of at least one relative
23 who can attest to the applicant's capability to care for the
24 child or children; and fingerprints submitted by the applicant
25 and all adult members of the applicant's household.

26 (b-5) Prior to submitting an application for a foster

1 family home license, a quality of care concerns applicant as
2 defined in Section 2.22a of this Act must submit a preliminary
3 application to the Department in the manner and on forms
4 prescribed by it. The Department shall explain to the quality
5 of care concerns applicant the grounds for requiring a
6 preliminary application. The preliminary application shall
7 include a list of (i) all children placed in the home by the
8 Department who were removed by the Department for reasons
9 other than returning to a parent and the circumstances under
10 which they were removed and (ii) all children placed by the
11 Department who were subsequently adopted by or placed in the
12 private guardianship of the quality of care concerns applicant
13 who are currently under 18 and who no longer reside in the home
14 and the reasons why they no longer reside in the home. The
15 preliminary application shall also include, if the quality of
16 care concerns applicant chooses to submit, (1) a response to
17 the quality of care concerns, including any reason the
18 concerns are invalid, have been addressed or ameliorated, or
19 no longer apply and (2) affirmative documentation
20 demonstrating that the quality of care concerns applicant's
21 home does not pose a risk to children and that the family will
22 be able to meet the physical and emotional needs of children.
23 The Department shall verify the information in the preliminary
24 application and review (i) information regarding any prior
25 licensing complaints, (ii) information regarding any prior
26 child abuse or neglect investigations, (iii) information

1 regarding any involuntary foster home holds placed on the home
2 by the Department, and (iv) information regarding all child
3 exit interviews, as provided in Section 5.26 of the Children
4 and Family Services Act, regarding the home. Foster home
5 applicants with quality of care concerns are presumed
6 unsuitable for future licensure.

7 Notwithstanding the provisions of this subsection (b-5),
8 the Department may make an exception and issue a foster family
9 license to a quality of care concerns applicant if the
10 Department is satisfied that the foster family home does not
11 pose a risk to children and that the foster family will be able
12 to meet the physical and emotional needs of children. In
13 making this determination, the Department must obtain and
14 carefully review all relevant documents and shall obtain
15 consultation from its Clinical Division as appropriate and as
16 prescribed by Department rule and procedure. The Department
17 has the authority to deny a preliminary application based on
18 the record of quality of care concerns of the foster family
19 home. In the alternative, the Department may (i) approve the
20 preliminary application, (ii) approve the preliminary
21 application subject to obtaining additional information or
22 assessments, or (iii) approve the preliminary application for
23 purposes of placing a particular child or children only in the
24 foster family home. If the Department approves a preliminary
25 application, the foster family shall submit an application for
26 licensure as described in subsection (b) of this Section. The

1 Department shall notify the quality of care concerns applicant
2 of its decision and the basis for its decision in writing.

3 (c) The Department shall notify the public when a child
4 care institution, maternity center, or group home licensed by
5 the Department undergoes a change in (i) the range of care or
6 services offered at the facility or (ii) the type of children
7 served. The Department shall notify the public of the change
8 in a newspaper of general circulation in the county or
9 municipality in which the applicant's facility is or is
10 proposed to be located.

11 (c-5) When a child care institution, maternity center, or
12 a group home licensed by the Department undergoes a change in
13 (i) the age of children served or (ii) the area within the
14 facility used by children, the Department shall post
15 information regarding proposed changes on its website as
16 required by rule.

17 (d) If, upon examination of the facility and investigation
18 of persons responsible for care of children and, in the case of
19 a foster home, taking into account information obtained for
20 purposes of evaluating a preliminary application, if
21 applicable, the Department is satisfied that the facility and
22 responsible persons reasonably meet standards prescribed for
23 the type of facility for which application is made, it shall
24 issue a license in proper form, designating on that license
25 the type of child care facility and, except for a child welfare
26 agency, the number of children to be served at any one time.

1 (e) The Department shall not issue or renew the license of
2 any child welfare agency providing adoption services, unless
3 the agency (i) is officially recognized by the United States
4 Internal Revenue Service as a tax-exempt organization
5 described in Section 501(c)(3) of the Internal Revenue Code of
6 1986 (or any successor provision of federal tax law) and (ii)
7 is in compliance with all of the standards necessary to
8 maintain its status as an organization described in Section
9 501(c)(3) of the Internal Revenue Code of 1986 (or any
10 successor provision of federal tax law). The Department shall
11 grant a grace period of 24 months from August 15, 2005 (the
12 effective date of Public Act 94-586) ~~this amendatory Act of~~
13 ~~the 94th General Assembly~~ for existing child welfare agencies
14 providing adoption services to obtain 501(c)(3) status. The
15 Department shall permit an existing child welfare agency that
16 converts from its current structure in order to be recognized
17 as a 501(c)(3) organization as required by this Section to
18 either retain its current license or transfer its current
19 license to a newly formed entity, if the creation of a new
20 entity is required in order to comply with this Section,
21 provided that the child welfare agency demonstrates that it
22 continues to meet all other licensing requirements and that
23 the principal officers and directors and programs of the
24 converted child welfare agency or newly organized child
25 welfare agency are substantially the same as the original. The
26 Department shall have the sole discretion to grant a one-year

1 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
2 status within the timeframe specified in this subsection (e),
3 provided that such agency has filed an application for
4 501(c)(3) status with the Internal Revenue Service within the
5 2-year timeframe specified in this subsection (e).

6 (f) The Department shall adopt rules to implement the
7 changes to this Section made by Public Act 103-770 ~~this~~
8 ~~amendatory Act of the 103rd General Assembly~~ no later than
9 January 1, 2025.

10 (Source: P.A. 102-763, eff. 1-1-23; 103-594, eff. 7-1-26;
11 103-770, eff. 1-1-25; revised 11-26-24.)

12 (225 ILCS 10/5.01)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

15 Sec. 5.01. Licenses; permits; Department of Early
16 Childhood.

17 (a) In respect to day care centers, the Department of
18 Early Childhood, upon receiving application filed in proper
19 order, shall examine the facilities and persons responsible
20 for care of children therein.

21 (b) In respect to day care homes, applications may be
22 filed on behalf of such homes by the Department of Early
23 Childhood.

24 (c) The Department of Early Childhood shall not allow any
25 person to examine facilities under a provision of this Act who

1 has not passed an examination demonstrating that such person
2 is familiar with this Act and with the appropriate standards
3 and regulations of the Department of Early Childhood.

4 (d) Licenses issued for day care centers, day care homes,
5 and group day care homes shall be valid for 3 years from the
6 date issued, unless revoked by the Department of Early
7 Childhood or voluntarily surrendered by the licensee. When a
8 licensee has made timely and sufficient application for the
9 renewal of a license or a new license with reference to any
10 activity of a continuing nature, the existing license shall
11 continue in full force and effect for up to 30 days until the
12 final agency decision on the application has been made. The
13 Department of Early Childhood may further extend the period in
14 which such decision must be made in individual cases for up to
15 30 days, but such extensions shall be only upon good cause
16 shown.

17 (e) The Department of Early Childhood may issue one
18 6-month permit to a newly established facility for child care
19 to allow that facility reasonable time to become eligible for
20 a full license. If the facility for child care is a day care
21 home the Department of Early Childhood may issue one 2-month
22 permit only.

23 (f) The Department of Early Childhood may issue an
24 emergency permit to a day care center taking in children as a
25 result of the temporary closure for more than 2 weeks of a
26 licensed child care facility due to a natural disaster. An

1 emergency permit under this subsection shall be issued to a
2 facility only if the persons providing child care services at
3 the facility were employees of the temporarily closed day care
4 center at the time it was closed. No investigation of an
5 employee of a child care facility receiving an emergency
6 permit under this subsection shall be required if that
7 employee has previously been investigated at another child
8 care facility. No emergency permit issued under this
9 subsection shall be valid for more than 90 days after the date
10 of issuance.

11 (g) During the hours of operation of any licensed day care
12 center, day care home, or group day care home, authorized
13 representatives of the Department of Early Childhood may
14 without notice visit the facility for the purpose of
15 determining its continuing compliance with this Act or rules
16 adopted pursuant thereto.

17 (h) Day care centers, day care homes, and group day care
18 homes shall be monitored at least annually by a licensing
19 representative from the Department of Early Childhood that
20 recommended licensure.

21 (Source: P.A. 103-594, eff. 7-1-26; revised 10-21-24.)

22 (225 ILCS 10/5.1)

23 (Text of Section before amendment by P.A. 103-594)

24 Sec. 5.1. (a) The Department shall ensure that no day care
25 center, group home, or child care institution as defined in

1 this Act shall on a regular basis transport a child or children
2 with any motor vehicle unless such vehicle is operated by a
3 person who complies with the following requirements:

4 1. is 21 years of age or older;

5 2. currently holds a valid driver's license, which has
6 not been revoked or suspended for one or more traffic
7 violations during the 3 years immediately prior to the
8 date of application;

9 3. demonstrates physical fitness to operate vehicles
10 by submitting the results of a medical examination
11 conducted by a licensed physician;

12 4. has not been convicted of more than 2 offenses
13 against traffic regulations governing the movement of
14 vehicles within a 12-month period;

15 5. has not been convicted of reckless driving or
16 driving under the influence or manslaughter or reckless
17 homicide resulting from the operation of a motor vehicle
18 within the past 3 years;

19 6. has signed and submitted a written statement
20 certifying that the person has not, through the unlawful
21 operation of a motor vehicle, caused a crash which
22 resulted in the death of any person within the 5 years
23 immediately prior to the date of application.

24 However, such day care centers, group homes, and child
25 care institutions may provide for transportation of a child or
26 children for special outings, functions, or purposes that are

1 not scheduled on a regular basis without verification that
2 drivers for such purposes meet the requirements of this
3 Section.

4 (a-5) As a means of ensuring compliance with the
5 requirements set forth in subsection (a), the Department shall
6 implement appropriate measures to verify that every individual
7 who is employed at a group home or child care institution meets
8 those requirements.

9 For every person employed at a group home or child care
10 institution who regularly transports children in the course of
11 performing the person's duties, the Department must make the
12 verification every 2 years. Upon the Department's request, the
13 Secretary of State shall provide the Department with the
14 information necessary to enable the Department to make the
15 verifications required under subsection (a).

16 In the case of an individual employed at a group home or
17 child care institution who becomes subject to subsection (a)
18 for the first time after January 1, 2007 (the effective date of
19 Public Act 94-943), the Department must make that verification
20 with the Secretary of State before the individual operates a
21 motor vehicle to transport a child or children under the
22 circumstances described in subsection (a).

23 In the case of an individual employed at a group home or
24 child care institution who is subject to subsection (a) on
25 January 1, 2007 (the effective date of Public Act 94-943), the
26 Department must make that verification with the Secretary of

1 State within 30 days after January 1, 2007.

2 If the Department discovers that an individual fails to
3 meet the requirements set forth in subsection (a), the
4 Department shall promptly notify the appropriate group home or
5 child care institution.

6 (b) Any individual who holds a valid Illinois school bus
7 driver permit issued by the Secretary of State pursuant to the
8 Illinois Vehicle Code, and who is currently employed by a
9 school district or parochial school, or by a contractor with a
10 school district or parochial school, to drive a school bus
11 transporting children to and from school, shall be deemed in
12 compliance with the requirements of subsection (a).

13 (c) The Department may, pursuant to Section 8 of this Act,
14 revoke the license of any day care center, group home, or child
15 care institution that fails to meet the requirements of this
16 Section.

17 (d) A group home or child care institution that fails to
18 meet the requirements of this Section is guilty of a petty
19 offense and is subject to a fine of not more than \$1,000. Each
20 day that a group home or child care institution fails to meet
21 the requirements of this Section is a separate offense.

22 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
23 103-605, eff. 7-1-24.)

24 (Text of Section after amendment by P.A. 103-594)

25 Sec. 5.1. (a) The Department shall ensure that no group

1 home⁷ or child care institution as defined in this Act shall on
2 a regular basis transport a child or children with any motor
3 vehicle unless such vehicle is operated by a person who
4 complies with the following requirements:

5 1. is 21 years of age or older;

6 2. currently holds a valid driver's license, which has
7 not been revoked or suspended for one or more traffic
8 violations during the 3 years immediately prior to the
9 date of application;

10 3. demonstrates physical fitness to operate vehicles
11 by submitting the results of a medical examination
12 conducted by a licensed physician;

13 4. has not been convicted of more than 2 offenses
14 against traffic regulations governing the movement of
15 vehicles within a 12-month period;

16 5. has not been convicted of reckless driving or
17 driving under the influence or manslaughter or reckless
18 homicide resulting from the operation of a motor vehicle
19 within the past 3 years;

20 6. has signed and submitted a written statement
21 certifying that the person has not, through the unlawful
22 operation of a motor vehicle, caused a crash which
23 resulted in the death of any person within the 5 years
24 immediately prior to the date of application.

25 However, such group homes⁷ and child care institutions may
26 provide for transportation of a child or children for special

1 outings, functions, or purposes that are not scheduled on a
2 regular basis without verification that drivers for such
3 purposes meet the requirements of this Section.

4 (a-5) As a means of ensuring compliance with the
5 requirements set forth in subsection (a), the Department shall
6 implement appropriate measures to verify that every individual
7 who is employed at a group home or child care institution meets
8 those requirements.

9 For every person employed at a group home or child care
10 institution who regularly transports children in the course of
11 performing the person's duties, the Department must make the
12 verification every 2 years. Upon the Department's request, the
13 Secretary of State shall provide the Department with the
14 information necessary to enable the Department to make the
15 verifications required under subsection (a).

16 In the case of an individual employed at a group home or
17 child care institution who becomes subject to subsection (a)
18 for the first time after January 1, 2007 (the effective date of
19 Public Act 94-943), the Department must make that verification
20 with the Secretary of State before the individual operates a
21 motor vehicle to transport a child or children under the
22 circumstances described in subsection (a).

23 In the case of an individual employed at a group home or
24 child care institution who is subject to subsection (a) on
25 January 1, 2007 (the effective date of Public Act 94-943), the
26 Department must make that verification with the Secretary of

1 State within 30 days after January 1, 2007.

2 If the Department discovers that an individual fails to
3 meet the requirements set forth in subsection (a), the
4 Department shall promptly notify the appropriate group home or
5 child care institution.

6 (b) Any individual who holds a valid Illinois school bus
7 driver permit issued by the Secretary of State pursuant to the
8 Illinois Vehicle Code, and who is currently employed by a
9 school district or parochial school, or by a contractor with a
10 school district or parochial school, to drive a school bus
11 transporting children to and from school, shall be deemed in
12 compliance with the requirements of subsection (a).

13 (c) The Department may, pursuant to Section 8 of this Act,
14 revoke the license of any group home~~7~~ or child care
15 institution that fails to meet the requirements of this
16 Section.

17 (d) A group home or child care institution that fails to
18 meet the requirements of this Section is guilty of a petty
19 offense and is subject to a fine of not more than \$1,000. Each
20 day that a group home or child care institution fails to meet
21 the requirements of this Section is a separate offense.

22 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
23 103-594, eff. 7-1-26; 103-605, eff. 7-1-24; revised 8-15-24.)

24 (225 ILCS 10/7.10)

25 (Text of Section before amendment by P.A. 103-594)

1 Sec. 7.10. Licensing orientation program and progress
2 report.

3 (a) For the purposes of this Section, "child day care
4 licensing" or "day care licensing" means licensing of day care
5 centers, day care homes, and group day care homes.

6 (a-5) In addition to current day care ~~daycare~~ training and
7 subject to appropriations, the Department or any State agency
8 that assumes day care center licensing responsibilities shall
9 host licensing orientation programs to help educate potential
10 day care center, day care home, and group day care home
11 providers about the child day care licensing process. The
12 programs shall be made available in person and virtually. The
13 Department or its successor shall offer to host licensing
14 orientation programs at least twice annually in each
15 Representative District in the State. Additionally, if one or
16 more persons request that a program be offered in a language
17 other than English, then the Department or its successor must
18 accommodate the request.

19 (b) No later than September 30th of each year, the
20 Department shall provide the General Assembly with a
21 comprehensive report on its progress in meeting performance
22 measures and goals related to child day care licensing.

23 (c) The report shall include:

24 (1) details on the funding for child day care
25 licensing, including:

26 (A) the total number of full-time employees

1 working on child day care licensing;

2 (B) the names of all sources of revenue used to
3 support child day care licensing;

4 (C) the amount of expenditures that is claimed
5 against federal funding sources;

6 (D) the identity of federal funding sources; and

7 (E) how funds are appropriated, including
8 appropriations for line staff, support staff,
9 supervisory staff, and training and other expenses and
10 the funding history of such licensing since fiscal
11 year 2010;

12 (2) current staffing qualifications of day care
13 licensing representatives and day care licensing
14 supervisors in comparison with staffing qualifications
15 specified in the job description;

16 (3) data history for fiscal year 2010 to the current
17 fiscal year on day care licensing representative caseloads
18 and staffing levels in all areas of the State;

19 (4) per the DCFS Child Day Care Licensing Advisory
20 Council's work plan, quarterly data on the following
21 measures:

22 (A) the percentage of new applications disposed of
23 within 90 days;

24 (B) the percentage of licenses renewed on time;

25 (C) the percentage of day care centers receiving
26 timely annual monitoring visits;

1 (D) the percentage of day care homes receiving
2 timely annual monitoring visits;

3 (E) the percentage of group day care homes
4 receiving timely annual monitoring visits;

5 (F) the percentage of provider requests for
6 supervisory review;

7 (G) the progress on adopting a key indicator
8 system;

9 (H) the percentage of complaints disposed of
10 within 30 days;

11 (I) the average number of days a day care center
12 applicant must wait to attend a licensing orientation;

13 (J) the number of licensing orientation sessions
14 available per region in the past year; and

15 (K) the number of Department trainings related to
16 licensing and child development available to providers
17 in the past year; and

18 (5) efforts to coordinate with the Department of Human
19 Services and the State Board of Education on professional
20 development, credentialing issues, and child developers,
21 including training registry, child developers, and Quality
22 Rating and Improvement Systems (QRIS).

23 (d) The Department shall work with the Governor's
24 appointed Early Learning Council on issues related to and
25 concerning child day care.

26 (Source: P.A. 103-805, eff. 1-1-25; revised 10-10-24.)

1 (Text of Section after amendment by P.A. 103-594)

2 Sec. 7.10. Licensing orientation program and progress
3 report.

4 (a) For the purposes of this Section, "child day care
5 licensing" or "day care licensing" means licensing of day care
6 centers, day care homes, and group day care homes.

7 (a-5) In addition to current day care ~~daycare~~ training and
8 subject to appropriations, the Department or any State agency
9 that assumes day care center licensing responsibilities shall
10 host licensing orientation programs to help educate potential
11 day care center, day care home, and group day care home
12 providers about the child day care licensing process. The
13 programs shall be made available in person and virtually. The
14 Department or its successor shall offer to host licensing
15 orientation programs at least twice annually in each
16 Representative District in the State. Additionally, if one or
17 more persons request that a program be offered in a language
18 other than English, then the Department or its successor must
19 accommodate the request.

20 (b) No later than September 30th of each year, the
21 Department of Early Childhood shall provide the General
22 Assembly with a comprehensive report on its progress in
23 meeting performance measures and goals related to child day
24 care licensing.

25 (c) The report shall include:

1 (1) details on the funding for child day care
2 licensing, including:

3 (A) the total number of full-time employees
4 working on child day care licensing;

5 (B) the names of all sources of revenue used to
6 support child day care licensing;

7 (C) the amount of expenditures that is claimed
8 against federal funding sources;

9 (D) the identity of federal funding sources; and

10 (E) how funds are appropriated, including
11 appropriations for line staff, support staff,
12 supervisory staff, and training and other expenses and
13 the funding history of such licensing since fiscal
14 year 2010;

15 (2) current staffing qualifications of day care
16 licensing representatives and day care licensing
17 supervisors in comparison with staffing qualifications
18 specified in the job description;

19 (3) data history for fiscal year 2010 to the current
20 fiscal year on day care licensing representative caseloads
21 and staffing levels in all areas of the State;

22 (4) per the DCFS Child Day Care Licensing Advisory
23 Council's work plan, quarterly data on the following
24 measures:

25 (A) the percentage of new applications disposed of
26 within 90 days;

1 (B) the percentage of licenses renewed on time;

2 (C) the percentage of day care centers receiving
3 timely annual monitoring visits;

4 (D) the percentage of day care homes receiving
5 timely annual monitoring visits;

6 (E) the percentage of group day care homes
7 receiving timely annual monitoring visits;

8 (F) the percentage of provider requests for
9 supervisory review;

10 (G) the progress on adopting a key indicator
11 system;

12 (H) the percentage of complaints disposed of
13 within 30 days;

14 (I) the average number of days a day care center
15 applicant must wait to attend a licensing orientation;

16 (J) the number of licensing orientation sessions
17 available per region in the past year; and

18 (K) the number of Department of Early Childhood
19 trainings related to licensing and child development
20 available to providers in the past year; and

21 (5) efforts to coordinate with the Department of Human
22 Services and the State Board of Education on professional
23 development, credentialing issues, and child developers,
24 including training registry, child developers, and Quality
25 Rating and Improvement Systems (QRIS).

26 (d) The Department of Early Childhood shall work with the

1 Governor's appointed Early Learning Council on issues related
2 to and concerning child day care.

3 (Source: P.A. 103-594, eff. 7-1-26; 103-805, eff. 1-1-25;
4 revised 11-26-24.)

5 (225 ILCS 10/18) (from Ch. 23, par. 2228)

6 (Text of Section before amendment by P.A. 103-594)

7 Sec. 18. Any person, group of persons, association, or
8 corporation that ~~who~~:

9 (1) conducts, operates, or acts as a child care
10 facility without a license or permit to do so in violation
11 of Section 3 of this Act;

12 (2) makes materially false statements in order to
13 obtain a license or permit;

14 (3) fails to keep the records and make the reports
15 provided under this Act;

16 (4) advertises any service not authorized by license
17 or permit held;

18 (5) publishes any advertisement in violation of this
19 Act;

20 (6) receives within this State any child in violation
21 of Section 16 of this Act; or

22 (7) violates any other provision of this Act or any
23 reasonable rule or regulation adopted and published by the
24 Department for the enforcement of the provisions of this
25 Act;17

1 is guilty of a Class A misdemeanor and, in case of an
2 association or corporation, imprisonment may be imposed upon
3 its officers who knowingly participated in the violation.

4 Any child care facility that continues to operate after
5 its license is revoked under Section 8 of this Act or after its
6 license expires and the Department refused to renew the
7 license as provided in Section 8 of this Act is guilty of a
8 business offense and shall be fined an amount in excess of \$500
9 but not exceeding \$10,000, and each day of violation is a
10 separate offense.

11 In a prosecution under this Act, a defendant who relies
12 upon the relationship of any child to the defendant has the
13 burden of proof as to that relationship.

14 (Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24;
15 revised 10-21-24.)

16 (Text of Section after amendment by P.A. 103-594)

17 Sec. 18. Any person, group of persons, association, or
18 corporation that ~~who~~, with respect to a child care facility
19 other than a day care center, day care home, or group day care
20 home:

21 (1) conducts, operates, or acts as a child care
22 facility without a license or permit to do so in
23 violation of Section 3 of this Act;

24 (2) makes materially false statements in order to
25 obtain a license or permit;

1 (3) fails to keep the records and make the reports
2 provided under this Act;

3 (4) advertises any service not authorized by
4 license or permit held;

5 (5) publishes any advertisement in violation of
6 this Act;

7 (6) receives within this State any child in
8 violation of Section 16 of this Act; or

9 (7) violates any other provision of this Act or
10 any reasonable rule or regulation adopted and
11 published by the Department for the enforcement of the
12 provisions of this Act;7

13 is guilty of a Class A misdemeanor and 7 in case of an
14 association or corporation, imprisonment may be imposed upon
15 its officers who knowingly participated in the violation.

16 Any child care facility (other than a day care center, day
17 care home, or group day care home) that continues to operate
18 after its license is revoked under Section 8 of this Act or
19 after its license expires and the Department refused to renew
20 the license as provided in Section 8 of this Act is guilty of a
21 business offense and shall be fined an amount in excess of \$500
22 but not exceeding \$10,000, and each day of violation is a
23 separate offense.

24 In a prosecution under this Act, a defendant who relies
25 upon the relationship of any child to the defendant has the
26 burden of proof as to that relationship.

(Source: P.A. 103-22, eff. 8-8-23; 103-594, eff. 7-1-26;
103-605, eff. 7-1-24; revised 10-21-24.)

(225 ILCS 10/18.1)

(This Section may contain text from a Public Act with a
delayed effective date)

Sec. 18.1. Violations; day care center, day care home, or
group day care home. Any person, group of persons,
association, or corporation that:

(1) conducts, operates, or acts as a day care center,
day care home, or group day care home without a license or
permit to do so in violation of Section 3.01 of this Act;

(2) makes materially false statements in order to
obtain a license or permit;

(3) fails to keep the records and make the reports
provided under this Act;

(4) advertises any service not authorized by license
or permit held;

(5) publishes any advertisement in violation of this
Act;

(6) receives within this State any child in violation
of Section 16.1 of this Act; or

(7) violates any other provision of this Act or any
reasonable rule or regulation adopted and published by the
Department of Early Childhood for the enforcement of the
provisions of this Act.

1 is guilty of a Class A misdemeanor and, in the case of an
2 association or corporation, imprisonment may be imposed upon
3 its officers who knowingly participated in the violation.

4 Any day care center, day care home, or group day care home
5 that continues to operate after its license is revoked under
6 Section 8 or 8a of this Act or after its license expires and
7 the Department of Early Childhood refused to renew the license
8 as provided in Section 8 or 8a of this Act is guilty of a
9 business offense and shall be fined an amount in excess of \$500
10 but not exceeding \$10,000. Each day of violation is a separate
11 offense.

12 In a prosecution under this Act, a defendant who relies
13 upon the relationship of any child to the defendant has the
14 burden of proof as to that relationship.

15 (Source: P.A. 103-594, eff. 7-1-26; revised 10-21-24.)

16 Section 820. The Clinical Social Work and Social Work
17 Practice Act is amended by changing Section 19 as follows:

18 (225 ILCS 20/19)

19 (Section scheduled to be repealed on January 1, 2028)

20 Sec. 19. Grounds for disciplinary action.

21 (1) The Department may refuse to issue or renew a license,
22 or may suspend, revoke, place on probation, reprimand, or take
23 any other disciplinary or non-disciplinary action deemed
24 appropriate by the Department, including the imposition of

1 fines not to exceed \$10,000 for each violation, with regard to
2 any license issued under the provisions of this Act for any one
3 or a combination of the following grounds:

4 (a) material misstatements in furnishing information
5 to the Department or to any other State agency or in
6 furnishing information to any insurance company with
7 respect to a claim on behalf of a licensee or a patient;

8 (b) violations or negligent or intentional disregard
9 of this Act, or any of the rules promulgated hereunder;

10 (c) conviction of or entry of a plea of guilty or nolo
11 contendere, finding of guilt, jury verdict, or entry of
12 judgment or sentencing, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States that is
16 (i) a felony or (ii) a misdemeanor, an essential element
17 of which is dishonesty, or that is directly related to the
18 practice of the clinical social work or social work
19 professions;

20 (d) fraud or misrepresentation in applying for or
21 procuring a license under this Act or in connection with
22 applying for renewal or restoration of a license under
23 this Act;

24 (e) professional incompetence;

25 (f) gross negligence in practice under this Act;

26 (g) aiding or assisting another person in violating

1 any provision of this Act or its rules;

2 (h) failing to provide information within 60 days in
3 response to a written request made by the Department;

4 (i) engaging in dishonorable, unethical or
5 unprofessional conduct of a character likely to deceive,
6 defraud or harm the public as defined by the rules of the
7 Department, or violating the rules of professional conduct
8 adopted by the Department;

9 (j) habitual or excessive use or abuse of drugs
10 defined in law as controlled substances, of alcohol, or of
11 any other substances that results in the inability to
12 practice with reasonable judgment, skill, or safety;

13 (k) adverse action taken by another state or
14 jurisdiction, if at least one of the grounds for the
15 discipline is the same or substantially equivalent to
16 those set forth in this Section;

17 (l) directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership, or association
19 any fee, commission, rebate or other form of compensation
20 for any professional service not actually rendered.
21 Nothing in this paragraph (l) affects any bona fide
22 independent contractor or employment arrangements among
23 health care professionals, health facilities, health care
24 providers, or other entities, except as otherwise
25 prohibited by law. Any employment arrangements may include
26 provisions for compensation, health insurance, pension, or

1 other employment benefits for the provision of services
2 within the scope of the licensee's practice under this
3 Act. Nothing in this paragraph (l) shall be construed to
4 require an employment arrangement to receive professional
5 fees for services rendered;

6 (m) a finding by the Department that the licensee,
7 after having the license placed on probationary status,
8 has violated the terms of probation or failed to comply
9 with such terms;

10 (n) abandonment, without cause, of a client;

11 (o) willfully making or filing false records or
12 reports relating to a licensee's practice, including, but
13 not limited to, false records filed with Federal or State
14 agencies or departments;

15 (p) willfully failing to report an instance of
16 suspected child abuse or neglect as required by the Abused
17 and Neglected Child Reporting Act;

18 (q) being named as a perpetrator in an indicated
19 report by the Department of Children and Family Services
20 under the Abused and Neglected Child Reporting Act, and
21 upon proof by clear and convincing evidence that the
22 licensee has caused a child to be an abused child or
23 neglected child as defined in the Abused and Neglected
24 Child Reporting Act;

25 (r) physical illness, mental illness, or any other
26 impairment or disability, including, but not limited to,

1 deterioration through the aging process, or loss of motor
2 skills that results in the inability to practice the
3 profession with reasonable judgment, skill or safety;

4 (s) solicitation of professional services by using
5 false or misleading advertising;

6 (t) violation of the Health Care Worker Self-Referral
7 Act;

8 (u) willfully failing to report an instance of
9 suspected abuse, neglect, financial exploitation, or
10 self-neglect of an eligible adult as defined in and
11 required by the Adult Protective Services Act; or

12 (v) being named as an abuser in a verified report by
13 the Department on Aging under the Adult Protective
14 Services Act, and upon proof by clear and convincing
15 evidence that the licensee abused, neglected, or
16 financially exploited an eligible adult as defined in the
17 Adult Protective Services Act.

18 (2) (Blank).

19 (3) The determination by a court that a licensee is
20 subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code, will result in an automatic suspension of the licensee's
23 license. Such suspension will end upon a finding by a court
24 that the licensee is no longer subject to involuntary
25 admission or judicial admission and issues an order so finding
26 and discharging the patient, and upon the recommendation of

1 the Board to the Secretary that the licensee be allowed to
2 resume professional practice.

3 (4) The Department shall refuse to issue or renew or may
4 suspend the license of a person who (i) fails to file a return,
5 pay the tax, penalty, or interest shown in a filed return, or
6 pay any final assessment of tax, penalty, or interest, as
7 required by any tax Act administered by the Department of
8 Revenue, until the requirements of the tax Act are satisfied
9 or (ii) has failed to pay any court-ordered child support as
10 determined by a court order or by referral from the Department
11 of Healthcare and Family Services.

12 (4.5) The Department shall not revoke, suspend, summarily
13 suspend, place on prohibition, reprimand, refuse to issue or
14 renew, or take any other disciplinary or non-disciplinary
15 action against a license or permit issued under this Act based
16 solely upon the licensed clinical social worker authorizing,
17 recommending, aiding, assisting, referring for, or otherwise
18 participating in any health care service, so long as the care
19 was not unlawful under the laws of this State, regardless of
20 whether the patient was a resident of this State or another
21 state.

22 (4.10) The Department shall not revoke, suspend, summarily
23 suspend, place on prohibition, reprimand, refuse to issue or
24 renew, or take any other disciplinary or non-disciplinary
25 action against the license or permit issued under this Act to
26 practice as a licensed clinical social worker based upon the

1 licensed clinical social worker's license being revoked or
2 suspended, or the licensed clinical social worker being
3 otherwise disciplined by any other state, if that revocation,
4 suspension, or other form of discipline was based solely on
5 the licensed clinical social worker violating another state's
6 laws prohibiting the provision of, authorization of,
7 recommendation of, aiding or assisting in, referring for, or
8 participation in any health care service if that health care
9 service as provided would not have been unlawful under the
10 laws of this State and is consistent with the standards of
11 conduct for a licensed clinical social worker practicing in
12 Illinois.

13 (4.15) The conduct specified in subsection (4.5), (4.10),
14 (4.25), or (4.30) shall not constitute grounds for suspension
15 under Section 32.

16 (4.20) An applicant seeking licensure, certification, or
17 authorization pursuant to this Act who has been subject to
18 disciplinary action by a duly authorized professional
19 disciplinary agency of another jurisdiction solely on the
20 basis of having authorized, recommended, aided, assisted,
21 referred for, or otherwise participated in health care shall
22 not be denied such licensure, certification, or authorization,
23 unless the Department determines that such action would have
24 constituted professional misconduct in this State; however,
25 nothing in this Section shall be construed as prohibiting the
26 Department from evaluating the conduct of such applicant and

1 making a determination regarding the licensure, certification,
2 or authorization to practice a profession under this Act.

3 (4.25) The Department may not revoke, suspend, summarily
4 suspend, place on prohibition, reprimand, refuse to issue or
5 renew, or take any other disciplinary or non-disciplinary
6 action against a license or permit issued under this Act based
7 solely upon an immigration violation by the licensed clinical
8 social worker.

9 (4.30) The Department may not revoke, suspend, summarily
10 suspend, place on prohibition, reprimand, refuse to issue or
11 renew, or take any other disciplinary or non-disciplinary
12 action against the license or permit issued under this Act to
13 practice as a licensed clinical social worker based upon the
14 licensed clinical social worker's license being revoked or
15 suspended, or the licensed clinical social worker being
16 otherwise disciplined by any other state, if that revocation,
17 suspension, or other form of discipline was based solely upon
18 an immigration violation by the licensed clinical social
19 worker.

20 (5)(a) In enforcing this Section, the Department or Board,
21 upon a showing of a possible violation, may compel a person
22 licensed to practice under this Act, or who has applied for
23 licensure under this Act, to submit to a mental or physical
24 examination, or both, which may include a substance abuse or
25 sexual offender evaluation, as required by and at the expense
26 of the Department.

1 (b) The Department shall specifically designate the
2 examining physician licensed to practice medicine in all of
3 its branches or, if applicable, the multidisciplinary team
4 involved in providing the mental or physical examination or
5 both. The multidisciplinary team shall be led by a physician
6 licensed to practice medicine in all of its branches and may
7 consist of one or more or a combination of physicians licensed
8 to practice medicine in all of its branches, licensed clinical
9 psychologists, licensed clinical social workers, licensed
10 clinical professional counselors, and other professional and
11 administrative staff. Any examining physician or member of the
12 multidisciplinary team may require any person ordered to
13 submit to an examination pursuant to this Section to submit to
14 any additional supplemental testing deemed necessary to
15 complete any examination or evaluation process, including, but
16 not limited to, blood testing, urinalysis, psychological
17 testing, or neuropsychological testing.

18 (c) The Board or the Department may order the examining
19 physician or any member of the multidisciplinary team to
20 present testimony concerning this mental or physical
21 examination of the licensee or applicant. No information,
22 report, record, or other documents in any way related to the
23 examination shall be excluded by reason of any common law or
24 statutory privilege relating to communications between the
25 licensee or applicant and the examining physician or any
26 member of the multidisciplinary team. No authorization is

1 necessary from the licensee or applicant ordered to undergo an
2 examination for the examining physician or any member of the
3 multidisciplinary team to provide information, reports,
4 records, or other documents or to provide any testimony
5 regarding the examination and evaluation.

6 (d) The person to be examined may have, at the person's own
7 expense, another physician of the person's choice present
8 during all aspects of the examination. However, that physician
9 shall be present only to observe and may not interfere in any
10 way with the examination.

11 (e) Failure of any person to submit to a mental or physical
12 examination without reasonable cause, when ordered, shall
13 result in an automatic suspension of the person's license
14 until the person submits to the examination.

15 (f) If the Department or Board finds a person unable to
16 practice because of the reasons set forth in this Section, the
17 Department or Board may require that person to submit to care,
18 counseling, or treatment by physicians approved or designated
19 by the Department or Board, as a condition, term, or
20 restriction for continued, reinstated, or renewed licensure to
21 practice; or, in lieu of care, counseling or treatment, the
22 Department may file, or the Board may recommend to the
23 Department to file, a complaint to immediately suspend,
24 revoke, or otherwise discipline the license of the person. Any
25 person whose license was granted, continued, reinstated,
26 renewed, disciplined or supervised subject to such terms,

1 conditions or restrictions, and who fails to comply with such
2 terms, conditions, or restrictions, shall be referred to the
3 Secretary for a determination as to whether the person's
4 license shall be suspended immediately, pending a hearing by
5 the Department.

6 (g) All fines imposed shall be paid within 60 days after
7 the effective date of the order imposing the fine or in
8 accordance with the terms set forth in the order imposing the
9 fine.

10 In instances in which the Secretary immediately suspends a
11 person's license under this Section, a hearing on that
12 person's license must be convened by the Department within 30
13 days after the suspension and completed without appreciable
14 delay. The Department and Board shall have the authority to
15 review the subject person's record of treatment and counseling
16 regarding the impairment, to the extent permitted by
17 applicable federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 A person licensed under this Act and affected under this
20 Section shall be afforded an opportunity to demonstrate to the
21 Department or Board that the person can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of the person's license.

24 (h) The Department may adopt rules to implement the
25 changes made by Public Act 102-1117 ~~this amendatory Act of the~~
26 ~~102nd General Assembly.~~

(Source: P.A. 102-1117, eff. 1-13-23; 103-715, eff. 1-1-25;
103-1048, eff. 1-1-25; revised 11-26-24.)

Section 825. The Illinois Dental Practice Act is amended
by changing Sections 4 and 17.2 as follows:

(225 ILCS 25/4) (from Ch. 111, par. 2304)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4. Definitions. As used in this Act:

"Address of record" means the designated address recorded
by the Department in the applicant's or licensee's application
file or license file as maintained by the Department's
licensure maintenance unit. It is the duty of the applicant or
licensee to inform the Department of any change of address and
those changes must be made either through the Department's
website or by contacting the Department.

"Department" means the Department of Financial and
Professional Regulation.

"Secretary" means the Secretary of Financial and
Professional Regulation.

"Board" means the Board of Dentistry.

"Dentist" means a person who has received a general
license pursuant to subsection ~~paragraph~~ (a) of Section 11 of
this Act and who may perform any intraoral and extraoral
procedure required in the practice of dentistry and to whom is
reserved the responsibilities specified in Section 17.

1 "Dental hygienist" means a person who holds a license
2 under this Act to perform dental services as authorized by
3 Section 18.

4 "Dental assistant" means an appropriately trained person
5 who, under the supervision of a dentist, provides dental
6 services as authorized by Section 17.

7 "Expanded function dental assistant" means a dental
8 assistant who has completed the training required by Section
9 17.1 of this Act.

10 "Dental laboratory" means a person, firm, or corporation
11 which:

12 (i) engages in making, providing, repairing, or
13 altering dental prosthetic appliances and other artificial
14 materials and devices which are returned to a dentist for
15 insertion into the human oral cavity or which come in
16 contact with its adjacent structures and tissues; and

17 (ii) utilizes or employs a dental technician to
18 provide such services; and

19 (iii) performs such functions only for a dentist or
20 dentists.

21 "Supervision" means supervision of a dental hygienist or a
22 dental assistant requiring that a dentist authorize the
23 procedure, remain in the dental facility while the procedure
24 is performed, and approve the work performed by the dental
25 hygienist or dental assistant before dismissal of the patient,
26 but does not mean that the dentist must be present at all times

1 in the treatment room.

2 "General supervision" means supervision of a dental
3 hygienist requiring that the patient be a patient of record,
4 that the dentist examine the patient in accordance with
5 Section 18 prior to treatment by the dental hygienist, and
6 that the dentist authorize the procedures which are being
7 carried out by a notation in the patient's record, but not
8 requiring that a dentist be present when the authorized
9 procedures are being performed. The issuance of a prescription
10 to a dental laboratory by a dentist does not constitute
11 general supervision.

12 "Public member" means a person who is not a health
13 professional. For purposes of board membership, any person
14 with a significant financial interest in a health service or
15 profession is not a public member.

16 "Dentistry" means the healing art which is concerned with
17 the examination, diagnosis, treatment planning, and care of
18 conditions within the human oral cavity and its adjacent
19 tissues and structures, as further specified in Section 17.

20 "Branches of dentistry" means the various specialties of
21 dentistry which, for purposes of this Act, shall be limited to
22 the following: endodontics, oral and maxillofacial surgery,
23 orthodontics and dentofacial orthopedics, pediatric dentistry,
24 periodontics, prosthodontics, oral and maxillofacial
25 radiology, and dental anesthesiology.

26 "Specialist" means a dentist who has received a specialty

1 license pursuant to subsection (b) of Section 11 ~~11(b)~~.

2 "Dental technician" means a person who owns, operates, or
3 is employed by a dental laboratory and engages in making,
4 providing, repairing, or altering dental prosthetic appliances
5 and other artificial materials and devices which are returned
6 to a dentist for insertion into the human oral cavity or which
7 come in contact with its adjacent structures and tissues.

8 "Informed consent" means legally valid consent that is
9 given by a patient or legal guardian, that is recorded in
10 writing or digitally, that authorizes intervention or
11 treatment services from the treating dentist, and that
12 documents agreement to participate in those services and
13 knowledge of the risks, benefits, and alternatives, including
14 the decision to withdraw from or decline treatment.

15 "Impaired dentist" or "impaired dental hygienist" means a
16 dentist or dental hygienist who is unable to practice with
17 reasonable skill and safety because of a physical or mental
18 disability as evidenced by a written determination or written
19 consent based on clinical evidence, including deterioration
20 through the aging process, loss of motor skills, abuse of
21 drugs or alcohol, or a psychiatric disorder, of sufficient
22 degree to diminish the person's ability to deliver competent
23 patient care.

24 "Nurse" means a registered professional nurse, a certified
25 registered nurse anesthetist licensed as an advanced practice
26 registered nurse, or a licensed practical nurse licensed under

1 the Nurse Practice Act.

2 "Patient of record", except as provided in Section 17.2,
3 means a patient for whom the patient's most recent dentist has
4 obtained a relevant medical and dental history and on whom the
5 dentist has performed a physical examination within the last
6 year and evaluated the condition to be treated, including a
7 review of the patient's most recent x-rays.

8 "Dental responder" means a dentist or dental hygienist who
9 is appropriately certified in disaster preparedness,
10 immunizations, and dental humanitarian medical response
11 consistent with the Society of Disaster Medicine and Public
12 Health and training certified by the National Incident
13 Management System or the National Disaster Life Support
14 Foundation.

15 "Mobile dental van or portable dental unit" means any
16 self-contained or portable dental unit in which dentistry is
17 practiced that can be moved, towed, or transported from one
18 location to another in order to establish a location where
19 dental services can be provided.

20 "Public health dental hygienist" means a hygienist who
21 holds a valid license to practice in the State, has 2 years of
22 full-time clinical experience or an equivalent of 4,000 hours
23 of clinical experience, and has completed at least 42 clock
24 hours of additional structured courses in dental education in
25 advanced areas specific to public health dentistry.

26 "Public health setting" means a federally qualified health

1 center; a federal, State, or local public health facility;
2 Head Start; a special supplemental nutrition program for
3 Women, Infants, and Children (WIC) facility; a certified
4 school-based health center or school-based oral health
5 program; a prison; or a long-term care facility.

6 "Public health supervision" means the supervision of a
7 public health dental hygienist by a licensed dentist who has a
8 written public health supervision agreement with that public
9 health dental hygienist while working in an approved facility
10 or program that allows the public health dental hygienist to
11 treat patients, without a dentist first examining the patient
12 and being present in the facility during treatment, (1) who
13 are eligible for Medicaid or (2) who are uninsured or whose
14 household income is not greater than 300% of the federal
15 poverty level.

16 "Teledentistry" means the use of telehealth systems and
17 methodologies in dentistry and includes patient diagnosis,
18 treatment planning, care, and education delivery for a patient
19 of record using synchronous and asynchronous communications
20 under an Illinois licensed dentist's authority as provided
21 under this Act.

22 "Moderate sedation" means a drug-induced depression of
23 consciousness during which: (1) patients respond purposefully
24 to verbal commands, either alone or accompanied by light
25 tactile stimulation; (2) no interventions are required to
26 maintain a patient's airway and spontaneous ventilation is

1 adequate; and (3) cardiovascular function is usually
2 maintained.

3 "Deep sedation" means a drug-induced depression of
4 consciousness during which: (1) patients cannot be easily
5 aroused, but respond purposefully following repeated or
6 painful stimulation; (2) the ability to independently maintain
7 ventilatory function may be impaired; (3) patients may require
8 assistance in maintaining airways and spontaneous ventilation
9 may be inadequate; and (4) cardiovascular function is usually
10 maintained.

11 "General anesthesia" means a drug-induced loss of
12 consciousness during which: (1) patients are not arousable,
13 even by painful stimulation; (2) the ability to independently
14 maintain ventilatory function is often impaired; (3) patients
15 often require assistance in maintaining airways and positive
16 pressure ventilation may be required because of depressed
17 spontaneous ventilation or drug-induced depression of
18 neuromuscular function; and (4) cardiovascular function may be
19 impaired.

20 "Venipuncture" means the puncture of a vein as part of a
21 medical procedure, typically to withdraw a blood sample or for
22 an intravenous catheter for the administration of medication
23 or fluids.

24 "Enteral route of administration" means administration of
25 a drug that is absorbed through the gastrointestinal tract or
26 through oral, rectal, or sublingual mucosa.

1 "Parenteral route of administration" means administration
2 of a drug by which the drug bypasses the gastrointestinal
3 tract through intramuscular, intravenous, intranasal,
4 submucosal, subcutaneous, or intraosseous methods.

5 (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21;
6 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff.
7 1-1-24; 103-605, eff. 7-1-24; 103-628, eff. 7-1-24; 103-902,
8 eff. 8-9-24; revised 10-10-24.)

9 (225 ILCS 25/17.2)

10 (Section scheduled to be repealed on January 1, 2026)

11 Sec. 17.2. Teledentistry.

12 (a) As used in this Section, "patient of record" means a
13 patient for whom the patient's most recent Illinois-licensed
14 dentist has obtained a relevant medical and dental history and
15 on whom the dentist has (i) performed a physical examination
16 within the last year; (ii) obtained relevant records that are
17 appropriate for the type of teledentistry service being
18 provided from an in-person examination within the previous 12
19 months, including a review of the patient's most recent
20 x-rays; or (iii) established a relationship with the patient
21 through an exchange of protected health information for the
22 purpose of providing emergency care, treatment, or services in
23 accordance with subsection (c).

24 (b) A dentist may only practice or utilize teledentistry
25 on a patient of record. A dentist practicing dentistry through

1 teledentistry is subject to the same standard of care and
2 practice standards that are applicable to dental services
3 provided in a clinic or office setting. A dentist may provide
4 and delegate dental services using teledentistry only under
5 the supervision requirements as specified in this Act for
6 in-person care. Prior to providing teledentistry services to a
7 patient, a dentist must obtain informed consent from the
8 patient as to the treatment proposed to be offered through
9 teledentistry by the dentist. A dentist providing
10 teledentistry under this Section shall provide the patient
11 with ~~the~~ his or her name, direct telephone number, and
12 physical practice address. It is a violation of this Act for a
13 provider of dental services rendering care through
14 teledentistry to require a patient to sign an agreement that
15 limits in any way the patient's ability to write a review of
16 services received or file a complaint with the Department or
17 other regulatory agency. The Department shall adopt rules to
18 provide for the use of teledentistry in the State of Illinois.

19 (c) A dentist may treat a patient of record to provide
20 emergent care or conduct an initial consultation using
21 teledentistry for the purpose of treating or assessing for
22 acute pain, infection, injury, or any intraoral or perioral
23 condition that presents immediate harm or discomfort to the
24 patient for which treatment cannot be postponed. A provider of
25 dental services rendering emergent care or conducting an
26 initial consultation through teledentistry must direct the

1 patient to receive appropriate in-person care after the
2 provision of teledentistry services.

3 (Source: P.A. 103-902, eff. 8-9-24; revised 10-21-24.)

4 Section 830. The Dietitian Nutritionist Practice Act is
5 amended by changing Section 17 as follows:

6 (225 ILCS 30/17)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 17. Other activities subject to licensure under this
9 Act.

10 (a) A licensed dietitian nutritionist may order patient or
11 resident diets, including therapeutic diets, in accordance
12 with the following:

13 (1) Enteral and parenteral nutrition therapy shall
14 consist of enteral feedings or specialized intravenous
15 solutions and shall only be performed by an individual
16 licensed under this Act who:

17 (a) is a registered dietitian or registered
18 dietitian nutritionist currently registered with the
19 Commission on Dietetic Registration;

20 (b) is a certified nutrition support clinician as
21 currently credentialed by the National Board of
22 Nutrition Support Certification; or

23 (c) meets the requirements set forth in rules that
24 the Department may establish as necessary to implement

1 this Section to be consistent with competencies
2 necessary for evaluating, ordering, and administering
3 ~~administering~~ enteral and parenteral nutrition
4 therapies.

5 (2) Notification to the patient's physician and
6 appropriate record retention, or pursuant to the
7 protocols, policies, or procedures of a health care
8 facility, as defined in the Illinois Health Facilities
9 Planning Act, in which the services are provided.

10 (b) Developing and managing food service operations whose
11 chief function is nutrition care or that are otherwise
12 utilized in the management or treatment of diseases or medical
13 conditions shall only be performed by an individual licensed
14 under this Act with competencies in the management of health
15 care food service.

16 (c) A licensed dietitian nutritionist may order oral
17 therapeutic diets.

18 (d) A licensed dietitian nutritionist shall provide
19 nutrition care services using systematic, evidence-based
20 problem solving methods of the nutrition care process to
21 critically think and make decisions to address
22 nutrition-related problems and provide safe, effective, and
23 quality nutrition services, including medical nutrition
24 therapy, for individuals in clinical and community settings.

25 (Source: P.A. 102-945, eff. 1-1-23; revised 8-6-24.)

1 Section 835. The Massage Therapy Practice Act is amended
2 by changing Section 45 as follows:

3 (225 ILCS 57/45)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 45. Grounds for discipline.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary or non-disciplinary action, as the Department
9 considers appropriate, including the imposition of fines not
10 to exceed \$10,000 for each violation, with regard to any
11 license or licensee for any one or more of the following:

12 (1) violations of this Act or of the rules adopted
13 under this Act;

14 (2) conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation, under
19 the laws of any jurisdiction of the United States: (i)
20 that is a felony; or (ii) that is a misdemeanor, an
21 essential element of which is dishonesty, or that is
22 directly related to the practice of the profession;

23 (3) professional incompetence;

24 (4) advertising in a false, deceptive, or misleading
25 manner, including failing to use the massage therapist's

1 own license number in an advertisement;

2 (5) aiding, abetting, assisting, procuring, advising,
3 employing, or contracting with any unlicensed person to
4 practice massage contrary to any rules or provisions of
5 this Act;

6 (6) engaging in immoral conduct in the commission of
7 any act, such as sexual abuse, sexual misconduct, or
8 sexual exploitation, related to the licensee's practice;

9 (7) engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public;

12 (8) practicing or offering to practice beyond the
13 scope permitted by law or accepting and performing
14 professional responsibilities which the licensee knows or
15 has reason to know that he or she is not competent to
16 perform;

17 (9) knowingly delegating professional
18 responsibilities to a person unqualified by training,
19 experience, or licensure to perform;

20 (10) failing to provide information in response to a
21 written request made by the Department within 60 days;

22 (11) having a habitual or excessive use of or
23 addiction to alcohol, narcotics, stimulants, or any other
24 chemical agent or drug which results in the inability to
25 practice with reasonable judgment, skill, or safety;

26 (12) having a pattern of practice or other behavior

1 that demonstrates incapacity or incompetence to practice
2 under this Act;

3 (13) discipline by another state, District of
4 Columbia, territory, or foreign nation, if at least one of
5 the grounds for the discipline is the same or
6 substantially equivalent to those set forth in this
7 Section;

8 (14) a finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation;

11 (15) willfully making or filing false records or
12 reports in his or her practice, including, but not limited
13 to, false records filed with State agencies or
14 departments;

15 (16) making a material misstatement in furnishing
16 information to the Department or otherwise making
17 misleading, deceptive, untrue, or fraudulent
18 representations in violation of this Act or otherwise in
19 the practice of the profession;

20 (17) fraud or misrepresentation in applying for or
21 procuring a license under this Act or in connection with
22 applying for renewal of a license under this Act;

23 (18) inability to practice the profession with
24 reasonable judgment, skill, or safety as a result of
25 physical illness, including, but not limited to,
26 deterioration through the aging process, loss of motor

1 skill, or a mental illness or disability;

2 (19) charging for professional services not rendered,
3 including filing false statements for the collection of
4 fees for which services are not rendered;

5 (20) practicing under a false or, except as provided
6 by law, an assumed name; or

7 (21) cheating on or attempting to subvert the
8 licensing examination administered under this Act.

9 All fines shall be paid within 60 days of the effective
10 date of the order imposing the fine.

11 (b) A person not licensed under this Act and engaged in the
12 business of offering massage therapy services through others,
13 shall not aid, abet, assist, procure, advise, employ, or
14 contract with any unlicensed person to practice massage
15 therapy contrary to any rules or provisions of this Act. A
16 person violating this subsection (b) shall be treated as a
17 licensee for the purposes of disciplinary action under this
18 Section and shall be subject to cease and desist orders as
19 provided in Section 90 of this Act.

20 (c) The Department shall revoke any license issued under
21 this Act of any person who is convicted of prostitution, rape,
22 sexual misconduct, or any crime that subjects the licensee to
23 compliance with the requirements of the Sex Offender
24 Registration Act and any such conviction shall operate as a
25 permanent bar in the State of Illinois to practice as a massage
26 therapist.

1 (c-5) A prosecuting attorney shall provide notice to the
2 Department of the licensed massage therapist's name, address,
3 practice address, and license number and a copy of the
4 criminal charges filed immediately after a licensed massage
5 therapist has been charged with any of the following offenses:

6 (1) an offense for which the sentence includes
7 registration as a sex offender;

8 (2) involuntary sexual servitude of a minor;

9 (3) the crime of battery against a patient, including
10 any offense based on sexual conduct or sexual penetration,
11 in the course of patient care or treatment; or

12 (4) a forcible felony.

13 If the victim of the crime the licensee has been charged
14 with is a patient of the licensee, the prosecuting attorney
15 shall also provide notice to the Department of the patient's
16 name.

17 Within 5 business days after receiving notice from the
18 prosecuting attorney of the filing of criminal charges against
19 the licensed massage therapist, the Secretary shall issue an
20 administrative order that the licensed massage therapist shall
21 practice only with a chaperone during all patient encounters
22 pending the outcome of the criminal proceedings. The chaperone
23 shall be a licensed massage therapist or other health care
24 worker licensed by the Department. The administrative order
25 shall specify any other terms or conditions deemed appropriate
26 by the Secretary. The chaperone shall provide written notice

1 to all of the licensed massage therapist's patients explaining
2 the Department's order to use a chaperone. Each patient shall
3 sign an acknowledgment that the patient ~~they~~ received the
4 notice. The notice to the patient of criminal charges shall
5 include, in 14-point font, the following statement: "The
6 massage therapist is presumed innocent until proven guilty of
7 the charges."

8 The licensed massage therapist shall provide a written
9 plan of compliance with the administrative order that is
10 acceptable to the Department within 5 business days after
11 receipt of the administrative order. Failure to comply with
12 the administrative order, failure to file a compliance plan,
13 or failure to follow the compliance plan shall subject the
14 licensed massage therapist to temporary suspension of his or
15 her license until the completion of the criminal proceedings.

16 If the licensee is not convicted of the charge or if any
17 conviction is later overturned by a reviewing court, the
18 administrative order shall be vacated and removed from the
19 licensee's record.

20 The Department may adopt rules to implement this
21 subsection.

22 (d) The Department may refuse to issue or may suspend the
23 license of any person who fails to file a tax return, to pay
24 the tax, penalty, or interest shown in a filed tax return, or
25 to pay any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Illinois

1 Department of Revenue, until such time as the requirements of
2 the tax Act are satisfied in accordance with subsection (g) of
3 Section 2105-15 of the Civil Administrative Code of Illinois.

4 (e) (Blank).

5 (f) In cases where the Department of Healthcare and Family
6 Services has previously determined that a licensee or a
7 potential licensee is more than 30 days delinquent in the
8 payment of child support and has subsequently certified the
9 delinquency to the Department, the Department may refuse to
10 issue or renew or may revoke or suspend that person's license
11 or may take other disciplinary action against that person
12 based solely upon the certification of delinquency made by the
13 Department of Healthcare and Family Services in accordance
14 with item (5) of subsection (a) of Section 2105-15 of the Civil
15 Administrative Code of Illinois.

16 (g) The determination by a circuit court that a licensee
17 is subject to involuntary admission or judicial admission, as
18 provided in the Mental Health and Developmental Disabilities
19 Code, operates as an automatic suspension. The suspension will
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of a court order so finding and discharging
23 the patient.

24 (h) In enforcing this Act, the Department or Board, upon a
25 showing of a possible violation, may compel an individual
26 licensed to practice under this Act, or who has applied for

1 licensure under this Act, to submit to a mental or physical
2 examination, or both, as required by and at the expense of the
3 Department. The Department or Board may order the examining
4 physician to present testimony concerning the mental or
5 physical examination of the licensee or applicant. No
6 information shall be excluded by reason of any common law or
7 statutory privilege relating to communications between the
8 licensee or applicant and the examining physician. The
9 examining physicians shall be specifically designated by the
10 Board or Department. The individual to be examined may have,
11 at his or her own expense, another physician of his or her
12 choice present during all aspects of this examination. The
13 examination shall be performed by a physician licensed to
14 practice medicine in all its branches. Failure of an
15 individual to submit to a mental or physical examination, when
16 directed, shall result in an automatic suspension without
17 hearing.

18 A person holding a license under this Act or who has
19 applied for a license under this Act who, because of a physical
20 or mental illness or disability, including, but not limited
21 to, deterioration through the aging process or loss of motor
22 skill, is unable to practice the profession with reasonable
23 judgment, skill, or safety, may be required by the Department
24 to submit to care, counseling, or treatment by physicians
25 approved or designated by the Department as a condition, term,
26 or restriction for continued, reinstated, or renewed licensure

1 to practice. Submission to care, counseling, or treatment as
2 required by the Department shall not be considered discipline
3 of a license. If the licensee refuses to enter into a care,
4 counseling, or treatment agreement or fails to abide by the
5 terms of the agreement, the Department may file a complaint to
6 revoke, suspend, or otherwise discipline the license of the
7 individual. The Secretary may order the license suspended
8 immediately, pending a hearing by the Department. Fines shall
9 not be assessed in disciplinary actions involving physical or
10 mental illness or impairment.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that
13 person's license must be convened by the Department within 15
14 days after the suspension and completed without appreciable
15 delay. The Department and Board shall have the authority to
16 review the subject individual's record of treatment and
17 counseling regarding the impairment to the extent permitted by
18 applicable federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate
22 to the Department or Board that he or she can resume practice
23 in compliance with acceptable and prevailing standards under
24 the provisions of his or her license.

25 (Source: P.A. 102-20, eff. 1-1-22; 103-757, eff. 8-2-24;
26 revised 10-21-24.)

1 Section 840. The Medical Practice Act of 1987 is amended
2 by changing Sections 18 and 22 as follows:

3 (225 ILCS 60/18) (from Ch. 111, par. 4400-18)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 18. Visiting professor, physician, or resident
6 permits.

7 (A) Visiting professor permit.

8 (1) A visiting professor permit shall entitle a person
9 to practice medicine in all of its branches or to practice
10 the treatment of human ailments without the use of drugs
11 and without operative surgery provided:

12 (a) the person maintains an equivalent
13 authorization to practice medicine in all of its
14 branches or to practice the treatment of human
15 ailments without the use of drugs and without
16 operative surgery in good standing in his or her
17 native licensing jurisdiction during the period of the
18 visiting professor permit;

19 (b) the person has received a faculty appointment
20 to teach in a medical, osteopathic, or chiropractic
21 school in Illinois; and

22 (c) the Department may prescribe the information
23 necessary to establish an applicant's eligibility for
24 a permit. This information shall include without

1 limitation (i) a statement from the dean of the
2 medical school at which the applicant will be employed
3 describing the applicant's qualifications and (ii) a
4 statement from the dean of the medical school listing
5 every affiliated institution in which the applicant
6 will be providing instruction as part of the medical
7 school's education program and justifying any clinical
8 activities at each of the institutions listed by the
9 dean.

10 (2) Application for visiting professor permits shall
11 be made to the Department, in writing, on forms prescribed
12 by the Department and shall be accompanied by the required
13 fee established by rule, which shall not be refundable.
14 Any application shall require the information as, in the
15 judgment of the Department, will enable the Department to
16 pass on the qualifications of the applicant.

17 (3) A visiting professor permit shall be valid for no
18 longer than 2 years from the date of issuance or until the
19 time the faculty appointment is terminated, whichever
20 occurs first, and may be renewed only in accordance with
21 subdivision (A) (6) of this Section.

22 (4) The applicant may be required to appear before the
23 Medical Board for an interview prior to, and as a
24 requirement for, the issuance of the original permit and
25 the renewal.

26 (5) Persons holding a permit under this Section shall

1 only practice medicine in all of its branches or practice
2 the treatment of human ailments without the use of drugs
3 and without operative surgery in the State of Illinois in
4 their official capacity under their contract within the
5 medical school itself and any affiliated institution in
6 which the permit holder is providing instruction as part
7 of the medical school's educational program and for which
8 the medical school has assumed direct responsibility.

9 (6) After the initial renewal of a visiting professor
10 permit, a visiting professor permit shall be valid until
11 the last day of the next physician license renewal period,
12 as set by rule, and may only be renewed for applicants who
13 meet the following requirements:

14 (i) have obtained the required continuing
15 education hours as set by rule; and

16 (ii) have paid the fee prescribed for a license
17 under Section 21 of this Act.

18 For initial renewal, the visiting professor must
19 successfully pass a general competency examination authorized
20 by the Department by rule, unless he or she was issued an
21 initial visiting professor permit on or after January 1, 2007,
22 but prior to July 1, 2007.

23 (B) Visiting physician permit.

24 (1) The Department may, in its discretion, issue a
25 temporary visiting physician permit, without examination,

1 provided:

2 (a) (blank);

3 (b) that the person maintains an equivalent
4 authorization to practice medicine in all of its
5 branches or to practice the treatment of human
6 ailments without the use of drugs and without
7 operative surgery in good standing in his or her
8 native licensing jurisdiction during the period of the
9 temporary visiting physician permit;

10 (c) that the person has received an invitation or
11 appointment to study, demonstrate, or perform a
12 specific medical, osteopathic, chiropractic, or
13 clinical subject or technique in a medical,
14 osteopathic, or chiropractic school, a state or
15 national medical, osteopathic, or chiropractic
16 professional association or society conference or
17 meeting, a hospital licensed under the Hospital
18 Licensing Act, a hospital organized under the
19 University of Illinois Hospital Act, or a facility
20 operated pursuant to the Ambulatory Surgical Treatment
21 Center Act; and

22 (d) that the temporary visiting physician permit
23 shall only permit the holder to practice medicine in
24 all of its branches or practice the treatment of human
25 ailments without the use of drugs and without
26 operative surgery within the scope of the medical,

1 osteopathic, chiropractic, or clinical studies, or in
2 conjunction with the state or national medical,
3 osteopathic, or chiropractic professional association
4 or society conference or meeting, for which the holder
5 was invited or appointed.

6 (2) The application for the temporary visiting
7 physician permit shall be made to the Department, in
8 writing, on forms prescribed by the Department, and shall
9 be accompanied by the required fee established by rule,
10 which shall not be refundable. The application shall
11 require information that, in the judgment of the
12 Department, will enable the Department to pass on the
13 qualification of the applicant, and the necessity for the
14 granting of a temporary visiting physician permit.

15 (3) A temporary visiting physician permit shall be
16 valid for no longer than (i) 180 days from the date of
17 issuance or (ii) until the time the medical, osteopathic,
18 chiropractic, or clinical studies are completed, or the
19 state or national medical, osteopathic, or chiropractic
20 professional association or society conference or meeting
21 has concluded, whichever occurs first. The temporary
22 visiting physician permit may be issued multiple times to
23 a visiting physician under this paragraph (3) as long as
24 the total number of days it is active does ~~do~~ not exceed
25 180 days within a 365-day period.

26 (4) The applicant for a temporary visiting physician

1 permit may be required to appear before the Medical Board
2 for an interview prior to, and as a requirement for, the
3 issuance of a temporary visiting physician permit.

4 (5) A limited temporary visiting physician permit
5 shall be issued to a physician licensed in another state
6 who has been requested to perform emergency procedures in
7 Illinois if he or she meets the requirements as
8 established by rule.

9 (C) Visiting resident permit.

10 (1) The Department may, in its discretion, issue a
11 temporary visiting resident permit, without examination,
12 provided:

13 (a) (blank);

14 (b) that the person maintains an equivalent
15 authorization to practice medicine in all of its
16 branches or to practice the treatment of human
17 ailments without the use of drugs and without
18 operative surgery in good standing in his or her
19 native licensing jurisdiction during the period of the
20 temporary visiting resident permit;

21 (c) that the applicant is enrolled in a
22 postgraduate clinical training program outside the
23 State of Illinois that is approved by the Department;

24 (d) that the individual has been invited or
25 appointed for a specific period of time to perform a

1 portion of that post graduate clinical training
2 program under the supervision of an Illinois licensed
3 physician in an Illinois patient care clinic or
4 facility that is affiliated with the out-of-State post
5 graduate training program; and

6 (e) that the temporary visiting resident permit
7 shall only permit the holder to practice medicine in
8 all of its branches or practice the treatment of human
9 ailments without the use of drugs and without
10 operative surgery within the scope of the medical,
11 osteopathic, chiropractic, or clinical studies for
12 which the holder was invited or appointed.

13 (2) The application for the temporary visiting
14 resident permit shall be made to the Department, in
15 writing, on forms prescribed by the Department, and shall
16 be accompanied by the required fee established by rule.
17 The application shall require information that, in the
18 judgment of the Department, will enable the Department to
19 pass on the qualifications of the applicant.

20 (3) A temporary visiting resident permit shall be
21 valid for 180 days from the date of issuance or until the
22 time the medical, osteopathic, chiropractic, or clinical
23 studies are completed, whichever occurs first.

24 (4) The applicant for a temporary visiting resident
25 permit may be required to appear before the Medical Board
26 for an interview prior to, and as a requirement for, the

1 issuance of a temporary visiting resident permit.

2 (D) Postgraduate training exemption period; visiting
3 rotations. A person may participate in visiting rotations in
4 an approved postgraduate training program, not to exceed a
5 total of 90 days for all rotations, if the following
6 information is submitted in writing or electronically to the
7 Department by the patient care clinics or facilities where the
8 person will be performing the training or by an affiliated
9 program:

10 (1) The person who has been invited or appointed to
11 perform a portion of their postgraduate clinical training
12 program in Illinois.

13 (2) The name and address of the primary patient care
14 clinic or facility, the date the training is to begin, and
15 the length of time of the invitation or appointment.

16 (3) The name and license number of the Illinois
17 physician who will be responsible for supervising the
18 trainee and the medical director or division director of
19 the department or facility.

20 (4) Certification from the postgraduate training
21 program that the person is approved and enrolled in a ~~an~~
22 graduate training program approved by the Department in
23 their home state.

24 (Source: P.A. 102-20, eff. 1-1-22; 103-551, eff. 8-11-23;
25 revised 8-6-24.)

1 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 22. Disciplinary action.

4 (A) The Department may revoke, suspend, place on
5 probation, reprimand, refuse to issue or renew, or take any
6 other disciplinary or non-disciplinary action as the
7 Department may deem proper with regard to the license or
8 permit of any person issued under this Act, including imposing
9 fines not to exceed \$10,000 for each violation, upon any of the
10 following grounds:

11 (1) (Blank).

12 (2) (Blank).

13 (3) A plea of guilty or nolo contendere, finding of
14 guilt, jury verdict, or entry of judgment or sentencing,
15 including, but not limited to, convictions, preceding
16 sentences of supervision, conditional discharge, or first
17 offender probation, under the laws of any jurisdiction of
18 the United States of any crime that is a felony.

19 (4) Gross negligence in practice under this Act.

20 (5) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (6) Obtaining any fee by fraud, deceit, or
24 misrepresentation.

25 (7) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, of alcohol, or of
2 any other substances which results in the inability to
3 practice with reasonable judgment, skill, or safety.

4 (8) Practicing under a false or, except as provided by
5 law, an assumed name.

6 (9) Fraud or misrepresentation in applying for, or
7 procuring, a license under this Act or in connection with
8 applying for renewal of a license under this Act.

9 (10) Making a false or misleading statement regarding
10 their skill or the efficacy or value of the medicine,
11 treatment, or remedy prescribed by them at their direction
12 in the treatment of any disease or other condition of the
13 body or mind.

14 (11) Allowing another person or organization to use
15 their license, procured under this Act, to practice.

16 (12) Adverse action taken by another state or
17 jurisdiction against a license or other authorization to
18 practice as a medical doctor, doctor of osteopathy, doctor
19 of osteopathic medicine, or doctor of chiropractic, a
20 certified copy of the record of the action taken by the
21 other state or jurisdiction being prima facie evidence
22 thereof. This includes any adverse action taken by a State
23 or federal agency that prohibits a medical doctor, doctor
24 of osteopathy, doctor of osteopathic medicine, or doctor
25 of chiropractic from providing services to the agency's
26 participants.

1 (13) Violation of any provision of this Act or of the
2 Medical Practice Act prior to the repeal of that Act, or
3 violation of the rules, or a final administrative action
4 of the Secretary, after consideration of the
5 recommendation of the Medical Board.

6 (14) Violation of the prohibition against fee
7 splitting in Section 22.2 of this Act.

8 (15) A finding by the Medical Board that the
9 registrant after having his or her license placed on
10 probationary status or subjected to conditions or
11 restrictions violated the terms of the probation or failed
12 to comply with such terms or conditions.

13 (16) Abandonment of a patient.

14 (17) Prescribing, selling, administering,
15 distributing, giving, or self-administering any drug
16 classified as a controlled substance (designated product)
17 or narcotic for other than medically accepted therapeutic
18 purposes.

19 (18) Promotion of the sale of drugs, devices,
20 appliances, or goods provided for a patient in such manner
21 as to exploit the patient for financial gain of the
22 physician.

23 (19) Offering, undertaking, or agreeing to cure or
24 treat disease by a secret method, procedure, treatment, or
25 medicine, or the treating, operating, or prescribing for
26 any human condition by a method, means, or procedure which

1 the licensee refuses to divulge upon demand of the
2 Department.

3 (20) Immoral conduct in the commission of any act,
4 including, but not limited to, commission of an act of
5 sexual misconduct related to the licensee's practice.

6 (21) Willfully making or filing false records or
7 reports in his or her practice as a physician, including,
8 but not limited to, false records to support claims
9 against the medical assistance program of the Department
10 of Healthcare and Family Services (formerly Department of
11 Public Aid) under the Illinois Public Aid Code.

12 (22) Willful omission to file or record, or willfully
13 impeding the filing or recording, or inducing another
14 person to omit to file or record, medical reports as
15 required by law, or willfully failing to report an
16 instance of suspected abuse or neglect as required by law.

17 (23) Being named as a perpetrator in an indicated
18 report by the Department of Children and Family Services
19 under the Abused and Neglected Child Reporting Act, and
20 upon proof by clear and convincing evidence that the
21 licensee has caused a child to be an abused child or
22 neglected child as defined in the Abused and Neglected
23 Child Reporting Act.

24 (24) Solicitation of professional patronage by any
25 corporation, agents, or persons, or profiting from those
26 representing themselves to be agents of the licensee.

1 (25) Gross and willful and continued overcharging for
2 professional services, including filing false statements
3 for collection of fees for which services are not
4 rendered, including, but not limited to, filing such false
5 statements for collection of monies for services not
6 rendered from the medical assistance program of the
7 Department of Healthcare and Family Services (formerly
8 Department of Public Aid) under the Illinois Public Aid
9 Code.

10 (26) A pattern of practice or other behavior which
11 demonstrates incapacity or incompetence to practice under
12 this Act.

13 (27) Mental illness or disability which results in the
14 inability to practice under this Act with reasonable
15 judgment, skill, or safety.

16 (28) Physical illness, including, but not limited to,
17 deterioration through the aging process, or loss of motor
18 skill which results in a physician's inability to practice
19 under this Act with reasonable judgment, skill, or safety.

20 (29) Cheating on or attempting to subvert the
21 licensing examinations administered under this Act.

22 (30) Willfully or negligently violating the
23 confidentiality between physician and patient except as
24 required by law.

25 (31) The use of any false, fraudulent, or deceptive
26 statement in any document connected with practice under

1 this Act.

2 (32) Aiding and abetting an individual not licensed
3 under this Act in the practice of a profession licensed
4 under this Act.

5 (33) Violating State or federal laws or regulations
6 relating to controlled substances, legend drugs, or
7 ephedra as defined in the Ephedra Prohibition Act.

8 (34) Failure to report to the Department any adverse
9 final action taken against them by another licensing
10 jurisdiction (any other state or any territory of the
11 United States or any foreign state or country), by any
12 peer review body, by any health care institution, by any
13 professional society or association related to practice
14 under this Act, by any governmental agency, by any law
15 enforcement agency, or by any court for acts or conduct
16 similar to acts or conduct which would constitute grounds
17 for action as defined in this Section.

18 (35) Failure to report to the Department surrender of
19 a license or authorization to practice as a medical
20 doctor, a doctor of osteopathy, a doctor of osteopathic
21 medicine, or doctor of chiropractic in another state or
22 jurisdiction, or surrender of membership on any medical
23 staff or in any medical or professional association or
24 society, while under disciplinary investigation by any of
25 those authorities or bodies, for acts or conduct similar
26 to acts or conduct which would constitute grounds for

1 action as defined in this Section.

2 (36) Failure to report to the Department any adverse
3 judgment, settlement, or award arising from a liability
4 claim related to acts or conduct similar to acts or
5 conduct which would constitute grounds for action as
6 defined in this Section.

7 (37) Failure to provide copies of medical records as
8 required by law.

9 (38) Failure to furnish the Department, its
10 investigators or representatives, relevant information,
11 legally requested by the Department after consultation
12 with the Chief Medical Coordinator or the Deputy Medical
13 Coordinator.

14 (39) Violating the Health Care Worker Self-Referral
15 Act.

16 (40) (Blank).

17 (41) Failure to establish and maintain records of
18 patient care and treatment as required by this law.

19 (42) Entering into an excessive number of written
20 collaborative agreements with licensed advanced practice
21 registered nurses resulting in an inability to adequately
22 collaborate.

23 (43) Repeated failure to adequately collaborate with a
24 licensed advanced practice registered nurse.

25 (44) Violating the Compassionate Use of Medical
26 Cannabis Program Act.

1 (45) Entering into an excessive number of written
2 collaborative agreements with licensed prescribing
3 psychologists resulting in an inability to adequately
4 collaborate.

5 (46) Repeated failure to adequately collaborate with a
6 licensed prescribing psychologist.

7 (47) Willfully failing to report an instance of
8 suspected abuse, neglect, financial exploitation, or
9 self-neglect of an eligible adult as defined in and
10 required by the Adult Protective Services Act.

11 (48) Being named as an abuser in a verified report by
12 the Department on Aging under the Adult Protective
13 Services Act, and upon proof by clear and convincing
14 evidence that the licensee abused, neglected, or
15 financially exploited an eligible adult as defined in the
16 Adult Protective Services Act.

17 (49) Entering into an excessive number of written
18 collaborative agreements with licensed physician
19 assistants resulting in an inability to adequately
20 collaborate.

21 (50) Repeated failure to adequately collaborate with a
22 physician assistant.

23 Except for actions involving the ground numbered (26), all
24 proceedings to suspend, revoke, place on probationary status,
25 or take any other disciplinary action as the Department may
26 deem proper, with regard to a license on any of the foregoing

1 grounds, must be commenced within 5 years next after receipt
2 by the Department of a complaint alleging the commission of or
3 notice of the conviction order for any of the acts described
4 herein. Except for the grounds numbered (8), (9), (26), and
5 (29), no action shall be commenced more than 10 years after the
6 date of the incident or act alleged to have violated this
7 Section. For actions involving the ground numbered (26), a
8 pattern of practice or other behavior includes all incidents
9 alleged to be part of the pattern of practice or other behavior
10 that occurred, or a report pursuant to Section 23 of this Act
11 received, within the 10-year period preceding the filing of
12 the complaint. In the event of the settlement of any claim or
13 cause of action in favor of the claimant or the reduction to
14 final judgment of any civil action in favor of the plaintiff,
15 such claim, cause of action, or civil action being grounded on
16 the allegation that a person licensed under this Act was
17 negligent in providing care, the Department shall have an
18 additional period of 2 years from the date of notification to
19 the Department under Section 23 of this Act of such settlement
20 or final judgment in which to investigate and commence formal
21 disciplinary proceedings under Section 36 of this Act, except
22 as otherwise provided by law. The time during which the holder
23 of the license was outside the State of Illinois shall not be
24 included within any period of time limiting the commencement
25 of disciplinary action by the Department.

26 The entry of an order or judgment by any circuit court

1 establishing that any person holding a license under this Act
2 is a person in need of mental treatment operates as a
3 suspension of that license. That person may resume his or her
4 practice only upon the entry of a Departmental order based
5 upon a finding by the Medical Board that the person has been
6 determined to be recovered from mental illness by the court
7 and upon the Medical Board's recommendation that the person be
8 permitted to resume his or her practice.

9 The Department may refuse to issue or take disciplinary
10 action concerning the license of any person who fails to file a
11 return, or to pay the tax, penalty, or interest shown in a
12 filed return, or to pay any final assessment of tax, penalty,
13 or interest, as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied as determined
16 by the Illinois Department of Revenue.

17 The Department, upon the recommendation of the Medical
18 Board, shall adopt rules which set forth standards to be used
19 in determining:

20 (a) when a person will be deemed sufficiently
21 rehabilitated to warrant the public trust;

22 (b) what constitutes dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public;

25 (c) what constitutes immoral conduct in the commission
26 of any act, including, but not limited to, commission of

1 an act of sexual misconduct related to the licensee's
2 practice; and

3 (d) what constitutes gross negligence in the practice
4 of medicine.

5 However, no such rule shall be admissible into evidence in
6 any civil action except for review of a licensing or other
7 disciplinary action under this Act.

8 In enforcing this Section, the Medical Board, upon a
9 showing of a possible violation, may compel any individual who
10 is licensed to practice under this Act or holds a permit to
11 practice under this Act, or any individual who has applied for
12 licensure or a permit pursuant to this Act, to submit to a
13 mental or physical examination and evaluation, or both, which
14 may include a substance abuse or sexual offender evaluation,
15 as required by the Medical Board and at the expense of the
16 Department. The Medical Board shall specifically designate the
17 examining physician licensed to practice medicine in all of
18 its branches or, if applicable, the multidisciplinary team
19 involved in providing the mental or physical examination and
20 evaluation, or both. The multidisciplinary team shall be led
21 by a physician licensed to practice medicine in all of its
22 branches and may consist of one or more or a combination of
23 physicians licensed to practice medicine in all of its
24 branches, licensed chiropractic physicians, licensed clinical
25 psychologists, licensed clinical social workers, licensed
26 clinical professional counselors, and other professional and

1 administrative staff. Any examining physician or member of the
2 multidisciplinary team may require any person ordered to
3 submit to an examination and evaluation pursuant to this
4 Section to submit to any additional supplemental testing
5 deemed necessary to complete any examination or evaluation
6 process, including, but not limited to, blood testing,
7 urinalysis, psychological testing, or neuropsychological
8 testing. The Medical Board or the Department may order the
9 examining physician or any member of the multidisciplinary
10 team to provide to the Department or the Medical Board any and
11 all records, including business records, that relate to the
12 examination and evaluation, including any supplemental testing
13 performed. The Medical Board or the Department may order the
14 examining physician or any member of the multidisciplinary
15 team to present testimony concerning this examination and
16 evaluation of the licensee, permit holder, or applicant,
17 including testimony concerning any supplemental testing or
18 documents relating to the examination and evaluation. No
19 information, report, record, or other documents in any way
20 related to the examination and evaluation shall be excluded by
21 reason of any common law or statutory privilege relating to
22 communication between the licensee, permit holder, or
23 applicant and the examining physician or any member of the
24 multidisciplinary team. No authorization is necessary from the
25 licensee, permit holder, or applicant ordered to undergo an
26 evaluation and examination for the examining physician or any

1 member of the multidisciplinary team to provide information,
2 reports, records, or other documents or to provide any
3 testimony regarding the examination and evaluation. The
4 individual to be examined may have, at his or her own expense,
5 another physician of his or her choice present during all
6 aspects of the examination. Failure of any individual to
7 submit to mental or physical examination and evaluation, or
8 both, when directed, shall result in an automatic suspension,
9 without hearing, until such time as the individual submits to
10 the examination. If the Medical Board finds a physician unable
11 to practice following an examination and evaluation because of
12 the reasons set forth in this Section, the Medical Board shall
13 require such physician to submit to care, counseling, or
14 treatment by physicians, or other health care professionals,
15 approved or designated by the Medical Board, as a condition
16 for issued, continued, reinstated, or renewed licensure to
17 practice. Any physician, whose license was granted pursuant to
18 Section 9, 17, or 19 of this Act, or, continued, reinstated,
19 renewed, disciplined, or supervised, subject to such terms,
20 conditions, or restrictions who shall fail to comply with such
21 terms, conditions, or restrictions, or to complete a required
22 program of care, counseling, or treatment, as determined by
23 the Chief Medical Coordinator or Deputy Medical Coordinators,
24 shall be referred to the Secretary for a determination as to
25 whether the licensee shall have his or her license suspended
26 immediately, pending a hearing by the Medical Board. In

1 instances in which the Secretary immediately suspends a
2 license under this Section, a hearing upon such person's
3 license must be convened by the Medical Board within 15 days
4 after such suspension and completed without appreciable delay.
5 The Medical Board shall have the authority to review the
6 subject physician's record of treatment and counseling
7 regarding the impairment, to the extent permitted by
8 applicable federal statutes and regulations safeguarding the
9 confidentiality of medical records.

10 An individual licensed under this Act, affected under this
11 Section, shall be afforded an opportunity to demonstrate to
12 the Medical Board that he or she can resume practice in
13 compliance with acceptable and prevailing standards under the
14 provisions of his or her license.

15 The Medical Board, in determining mental capacity of an
16 individual licensed under this Act, shall consider the latest
17 recommendations of the Federation of State Medical Boards.

18 The Department may promulgate rules for the imposition of
19 fines in disciplinary cases, not to exceed \$10,000 for each
20 violation of this Act. Fines may be imposed in conjunction
21 with other forms of disciplinary action, but shall not be the
22 exclusive disposition of any disciplinary action arising out
23 of conduct resulting in death or injury to a patient. Any funds
24 collected from such fines shall be deposited in the Illinois
25 State Medical Disciplinary Fund.

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the fine
2 or in accordance with the terms set forth in the order imposing
3 the fine.

4 (B) The Department shall revoke the license or permit
5 issued under this Act to practice medicine of ~~or~~ a
6 chiropractic physician who has been convicted a second time of
7 committing any felony under the Illinois Controlled Substances
8 Act or the Methamphetamine Control and Community Protection
9 Act, or who has been convicted a second time of committing a
10 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
11 Public Aid Code. A person whose license or permit is revoked
12 under this subsection (B) ~~B~~ shall be prohibited from
13 practicing medicine or treating human ailments without the use
14 of drugs and without operative surgery.

15 (C) The Department shall not revoke, suspend, place on
16 probation, reprimand, refuse to issue or renew, or take any
17 other disciplinary or non-disciplinary action against the
18 license or permit issued under this Act to practice medicine
19 to a physician:

20 (1) based solely upon the recommendation of the
21 physician to an eligible patient regarding, or
22 prescription for, or treatment with, an investigational
23 drug, biological product, or device;

24 (2) for experimental treatment for Lyme disease or
25 other tick-borne diseases, including, but not limited to,
26 the prescription of or treatment with long-term

1 antibiotics;

2 (3) based solely upon the physician providing,
3 authorizing, recommending, aiding, assisting, referring
4 for, or otherwise participating in any health care
5 service, so long as the care was not unlawful under the
6 laws of this State, regardless of whether the patient was
7 a resident of this State or another state; or

8 (4) based upon the physician's license being revoked
9 or suspended, or the physician being otherwise disciplined
10 by any other state, if that revocation, suspension, or
11 other form of discipline was based solely on the physician
12 violating another state's laws prohibiting the provision
13 of, authorization of, recommendation of, aiding or
14 assisting in, referring for, or participation in any
15 health care service if that health care service as
16 provided would not have been unlawful under the laws of
17 this State and is consistent with the standards of conduct
18 for the physician if it occurred in Illinois.

19 (D) (Blank).

20 (E) The conduct specified in subsection (C) shall not
21 trigger reporting requirements under Section 23, constitute
22 grounds for suspension under Section 25, or be included on the
23 physician's profile required under Section 10 of the Patients'
24 Right to Know Act.

25 (F) An applicant seeking licensure, certification, or
26 authorization pursuant to this Act and who has been subject to

1 disciplinary action by a duly authorized professional
2 disciplinary agency of another jurisdiction solely on the
3 basis of having provided, authorized, recommended, aided,
4 assisted, referred for, or otherwise participated in health
5 care shall not be denied such licensure, certification, or
6 authorization, unless the Department determines that the
7 action would have constituted professional misconduct in this
8 State; however, nothing in this Section shall be construed as
9 prohibiting the Department from evaluating the conduct of the
10 applicant and making a determination regarding the licensure,
11 certification, or authorization to practice a profession under
12 this Act.

13 (G) The Department may adopt rules to implement the
14 changes made by Public Act 102-1117 ~~this amendatory Act of the~~
15 ~~102nd General Assembly.~~

16 (Source: P.A. 102-20, eff. 1-1-22; 102-558, eff. 8-20-21;
17 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23; 103-442, eff.
18 1-1-24; revised 10-22-24.)

19 Section 845. The Pharmacy Practice Act is amended by
20 changing Section 3 as follows:

21 (225 ILCS 85/3)

22 (Section scheduled to be repealed on January 1, 2028)

23 Sec. 3. Definitions. For the purpose of this Act, except
24 where otherwise limited therein:

1 (a) "Pharmacy" or "drugstore" means and includes every
2 store, shop, pharmacy department, or other place where
3 pharmacist care is provided by a pharmacist (1) where drugs,
4 medicines, or poisons are dispensed, sold or offered for sale
5 at retail, or displayed for sale at retail; or (2) where
6 prescriptions of physicians, dentists, advanced practice
7 registered nurses, physician assistants, veterinarians,
8 podiatric physicians, or optometrists, within the limits of
9 their licenses, are compounded, filled, or dispensed; or (3)
10 which has upon it or displayed within it, or affixed to or used
11 in connection with it, a sign bearing the word or words
12 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
13 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
14 "Drugs", "Dispensary", "Medicines", or any word or words of
15 similar or like import, either in the English language or any
16 other language; or (4) where the characteristic prescription
17 sign (Rx) or similar design is exhibited; or (5) any store, or
18 shop, or other place with respect to which any of the above
19 words, objects, signs or designs are used in any
20 advertisement.

21 (b) "Drugs" means and includes (1) articles recognized in
22 the official United States Pharmacopoeia/National Formulary
23 (USP/NF), or any supplement thereto and being intended for and
24 having for their main use the diagnosis, cure, mitigation,
25 treatment or prevention of disease in man or other animals, as
26 approved by the United States Food and Drug Administration,

1 but does not include devices or their components, parts, or
2 accessories; and (2) all other articles intended for and
3 having for their main use the diagnosis, cure, mitigation,
4 treatment or prevention of disease in man or other animals, as
5 approved by the United States Food and Drug Administration,
6 but does not include devices or their components, parts, or
7 accessories; and (3) articles (other than food) having for
8 their main use and intended to affect the structure or any
9 function of the body of man or other animals; and (4) articles
10 having for their main use and intended for use as a component
11 or any articles specified in clause (1), (2) or (3); but does
12 not include devices or their components, parts or accessories.

13 (c) "Medicines" means and includes all drugs intended for
14 human or veterinary use approved by the United States Food and
15 Drug Administration.

16 (d) "Practice of pharmacy" means:

17 (1) the interpretation and the provision of assistance
18 in the monitoring, evaluation, and implementation of
19 prescription drug orders;

20 (2) the dispensing of prescription drug orders;

21 (3) participation in drug and device selection;

22 (4) drug administration limited to the administration
23 of oral, topical, injectable, and inhalation as follows:

24 (A) in the context of patient education on the
25 proper use or delivery of medications;

26 (B) vaccination of patients 7 years of age and

1 older pursuant to a valid prescription or standing
2 order, by a physician licensed to practice medicine in
3 all its branches, except for vaccinations covered by
4 paragraph (15), upon completion of appropriate
5 training, including how to address contraindications
6 and adverse reactions set forth by rule, with
7 notification to the patient's physician and
8 appropriate record retention, or pursuant to hospital
9 pharmacy and therapeutics committee policies and
10 procedures. Eligible vaccines are those listed on the
11 U.S. Centers for Disease Control and Prevention (CDC)
12 Recommended Immunization Schedule, the CDC's Health
13 Information for International Travel, or the U.S. Food
14 and Drug Administration's Vaccines Licensed and
15 Authorized for Use in the United States. As applicable
16 to the State's Medicaid program and other payers,
17 vaccines ordered and administered in accordance with
18 this subsection shall be covered and reimbursed at no
19 less than the rate that the vaccine is reimbursed when
20 ordered and administered by a physician;

21 (B-5) (blank);

22 (C) administration of injections of
23 alpha-hydroxyprogesterone caproate, pursuant to a
24 valid prescription, by a physician licensed to
25 practice medicine in all its branches, upon completion
26 of appropriate training, including how to address

1 contraindications and adverse reactions set forth by
2 rule, with notification to the patient's physician and
3 appropriate record retention, or pursuant to hospital
4 pharmacy and therapeutics committee policies and
5 procedures; and

6 (D) administration of long-acting injectables for
7 mental health or substance use disorders pursuant to a
8 valid prescription by the patient's physician licensed
9 to practice medicine in all its branches, advanced
10 practice registered nurse, or physician assistant upon
11 completion of appropriate training conducted by an
12 Accreditation Council of Pharmaceutical Education
13 accredited provider, including how to address
14 contraindications and adverse reactions set forth by
15 rule, with notification to the patient's physician and
16 appropriate record retention, or pursuant to hospital
17 pharmacy and therapeutics committee policies and
18 procedures;

19 (5) (blank);

20 (6) drug regimen review;

21 (7) drug or drug-related research;

22 (8) the provision of patient counseling;

23 (9) the practice of telepharmacy;

24 (10) the provision of those acts or services necessary
25 to provide pharmacist care;

26 (11) medication therapy management;

1 (12) the responsibility for compounding and labeling
2 of drugs and devices (except labeling by a manufacturer,
3 repackager, or distributor of non-prescription drugs and
4 commercially packaged legend drugs and devices), proper
5 and safe storage of drugs and devices, and maintenance of
6 required records;

7 (13) the assessment and consultation of patients and
8 dispensing of hormonal contraceptives;

9 (14) the initiation, dispensing, or administration of
10 drugs, laboratory tests, assessments, referrals, and
11 consultations for human immunodeficiency virus
12 pre-exposure prophylaxis and human immunodeficiency virus
13 post-exposure prophylaxis under Section 43.5;

14 (15) vaccination of patients 7 years of age and older
15 for COVID-19 or influenza subcutaneously, intramuscularly,
16 or orally as authorized, approved, or licensed by the
17 United States Food and Drug Administration, pursuant to
18 the following conditions:

19 (A) the vaccine must be authorized or licensed by
20 the United States Food and Drug Administration;

21 (B) the vaccine must be ordered and administered
22 according to the Advisory Committee on Immunization
23 Practices standard immunization schedule;

24 (C) the pharmacist must complete a course of
25 training accredited by the Accreditation Council on
26 Pharmacy Education or a similar health authority or

1 professional body approved by the Division of
2 Professional Regulation;

3 (D) the pharmacist must have a current certificate
4 in basic cardiopulmonary resuscitation;

5 (E) the pharmacist must complete, during each
6 State licensing period, a minimum of 2 hours of
7 immunization-related continuing pharmacy education
8 approved by the Accreditation Council on Pharmacy
9 Education;

10 (F) the pharmacist must comply with recordkeeping
11 and reporting requirements of the jurisdiction in
12 which the pharmacist administers vaccines, including
13 informing the patient's primary-care provider, when
14 available, and complying with requirements whereby the
15 person administering a vaccine must review the vaccine
16 registry or other vaccination records prior to
17 administering the vaccine; and

18 (G) the pharmacist must inform the pharmacist's
19 patients who are less than 18 years old, as well as the
20 adult caregiver accompanying the child, of the
21 importance of a well-child visit with a pediatrician
22 or other licensed primary-care provider and must refer
23 patients as appropriate;

24 (16) the ordering and administration of COVID-19
25 therapeutics subcutaneously, intramuscularly, or orally
26 with notification to the patient's physician and

1 appropriate record retention or pursuant to hospital
2 pharmacy and therapeutics committee policies and
3 procedures. Eligible therapeutics are those approved,
4 authorized, or licensed by the United States Food and Drug
5 Administration and must be administered subcutaneously,
6 intramuscularly, or orally in accordance with that
7 approval, authorization, or licensing; and

8 (17) the ordering and administration of point of care
9 tests, screenings, and treatments for (i) influenza, (ii)
10 SARS-CoV-2, (iii) Group A Streptococcus, (iv) respiratory
11 syncytial virus, (v) adult-stage head louse, and (vi)
12 health conditions identified by a statewide public health
13 emergency, as defined in the Illinois Emergency Management
14 Agency Act, with notification to the patient's physician,
15 if any, and appropriate record retention or pursuant to
16 hospital pharmacy and therapeutics committee policies and
17 procedures. Eligible tests and screenings are those
18 approved, authorized, or licensed by the United States
19 Food and Drug Administration and must be administered in
20 accordance with that approval, authorization, or
21 licensing.

22 A pharmacist who orders or administers tests or
23 screenings for health conditions described in this
24 paragraph may use a test that may guide clinical
25 decision-making for the health condition that is waived
26 under the federal Clinical Laboratory Improvement

1 Amendments of 1988 and regulations promulgated thereunder
2 or any established screening procedure that is established
3 under a statewide protocol.

4 A pharmacist may delegate the administrative and
5 technical tasks of performing a test for the health
6 conditions described in this paragraph to a registered
7 pharmacy technician or student pharmacist acting under the
8 supervision of the pharmacist.

9 The testing, screening, and treatment ordered under
10 this paragraph by a pharmacist shall not be denied
11 reimbursement under health benefit plans that are within
12 the scope of the pharmacist's license and shall be covered
13 as if the services or procedures were performed by a
14 physician, an advanced practice registered nurse, or a
15 physician assistant.

16 A pharmacy benefit manager, health carrier, health
17 benefit plan, or third-party payor shall not discriminate
18 against a pharmacy or a pharmacist with respect to
19 participation referral, reimbursement of a covered
20 service, or indemnification if a pharmacist is acting
21 within the scope of the pharmacist's license and the
22 pharmacy is operating in compliance with all applicable
23 laws and rules.

24 A pharmacist who performs any of the acts defined as the
25 practice of pharmacy in this State must be actively licensed
26 as a pharmacist under this Act.

1 (e) "Prescription" means and includes any written, oral,
2 facsimile, or electronically transmitted order for drugs or
3 medical devices, issued by a physician licensed to practice
4 medicine in all its branches, dentist, veterinarian, podiatric
5 physician, or optometrist, within the limits of his or her
6 license, by a physician assistant in accordance with
7 subsection (f) of Section 4, or by an advanced practice
8 registered nurse in accordance with subsection (g) of Section
9 4, containing the following: (1) name of the patient; (2) date
10 when prescription was issued; (3) name and strength of drug or
11 description of the medical device prescribed; and (4)
12 quantity; (5) directions for use; (6) prescriber's name,
13 address, and signature; and (7) DEA registration number where
14 required, for controlled substances. The prescription may, but
15 is not required to, list the illness, disease, or condition
16 for which the drug or device is being prescribed. DEA
17 registration numbers shall not be required on inpatient drug
18 orders. A prescription for medication other than controlled
19 substances shall be valid for up to 15 months from the date
20 issued for the purpose of refills, unless the prescription
21 states otherwise.

22 (f) "Person" means and includes a natural person,
23 partnership, association, corporation, government entity, or
24 any other legal entity.

25 (g) "Department" means the Department of Financial and
26 Professional Regulation.

1 (h) "Board of Pharmacy" or "Board" means the State Board
2 of Pharmacy of the Department of Financial and Professional
3 Regulation.

4 (i) "Secretary" means the Secretary of Financial and
5 Professional Regulation.

6 (j) "Drug product selection" means the interchange for a
7 prescribed pharmaceutical product in accordance with Section
8 25 of this Act and Section 3.14 of the Illinois Food, Drug and
9 Cosmetic Act.

10 (k) "Inpatient drug order" means an order issued by an
11 authorized prescriber for a resident or patient of a facility
12 licensed under the Nursing Home Care Act, the ID/DD Community
13 Care Act, the MC/DD Act, the Specialized Mental Health
14 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
15 University of Illinois Hospital Act, or a facility which is
16 operated by the Department of Human Services (as successor to
17 the Department of Mental Health and Developmental
18 Disabilities) or the Department of Corrections.

19 (k-5) "Pharmacist" means an individual health care
20 professional and provider currently licensed by this State to
21 engage in the practice of pharmacy.

22 (l) "Pharmacist in charge" means the licensed pharmacist
23 whose name appears on a pharmacy license and who is
24 responsible for all aspects of the operation related to the
25 practice of pharmacy.

26 (m) "Dispense" or "dispensing" means the interpretation,

1 evaluation, and implementation of a prescription drug order,
2 including the preparation and delivery of a drug or device to a
3 patient or patient's agent in a suitable container
4 appropriately labeled for subsequent administration to or use
5 by a patient in accordance with applicable State and federal
6 laws and regulations. "Dispense" or "dispensing" does not mean
7 the physical delivery to a patient or a patient's
8 representative in a home or institution by a designee of a
9 pharmacist or by common carrier. "Dispense" or "dispensing"
10 also does not mean the physical delivery of a drug or medical
11 device to a patient or patient's representative by a
12 pharmacist's designee within a pharmacy or drugstore while the
13 pharmacist is on duty and the pharmacy is open.

14 (n) "Nonresident pharmacy" means a pharmacy that is
15 located in a state, commonwealth, or territory of the United
16 States, other than Illinois, that delivers, dispenses, or
17 distributes, through the United States Postal Service,
18 commercially acceptable parcel delivery service, or other
19 common carrier, to Illinois residents, any substance which
20 requires a prescription.

21 (o) "Compounding" means the preparation and mixing of
22 components, excluding flavorings, (1) as the result of a
23 prescriber's prescription drug order or initiative based on
24 the prescriber-patient-pharmacist relationship in the course
25 of professional practice or (2) for the purpose of, or
26 incident to, research, teaching, or chemical analysis and not

1 for sale or dispensing. "Compounding" includes the preparation
2 of drugs or devices in anticipation of receiving prescription
3 drug orders based on routine, regularly observed dispensing
4 patterns. Commercially available products may be compounded
5 for dispensing to individual patients only if all of the
6 following conditions are met: (i) the commercial product is
7 not reasonably available from normal distribution channels in
8 a timely manner to meet the patient's needs and (ii) the
9 prescribing practitioner has requested that the drug be
10 compounded.

11 (p) (Blank).

12 (q) (Blank).

13 (r) "Patient counseling" means the communication between a
14 pharmacist or a student pharmacist under the supervision of a
15 pharmacist and a patient or the patient's representative about
16 the patient's medication or device for the purpose of
17 optimizing proper use of prescription medications or devices.
18 "Patient counseling" may include without limitation (1)
19 obtaining a medication history; (2) acquiring a patient's
20 allergies and health conditions; (3) facilitation of the
21 patient's understanding of the intended use of the medication;
22 (4) proper directions for use; (5) significant potential
23 adverse events; (6) potential food-drug interactions; and (7)
24 the need to be compliant with the medication therapy. A
25 pharmacy technician may only participate in the following
26 aspects of patient counseling under the supervision of a

1 pharmacist: (1) obtaining medication history; (2) providing
2 the offer for counseling by a pharmacist or student
3 pharmacist; and (3) acquiring a patient's allergies and health
4 conditions.

5 (s) "Patient profiles" or "patient drug therapy record"
6 means the obtaining, recording, and maintenance of patient
7 prescription information, including prescriptions for
8 controlled substances, and personal information.

9 (t) (Blank).

10 (u) "Medical device" or "device" means an instrument,
11 apparatus, implement, machine, contrivance, implant, in vitro
12 reagent, or other similar or related article, including any
13 component part or accessory, required under federal law to
14 bear the label "Caution: Federal law requires dispensing by or
15 on the order of a physician". A seller of goods and services
16 who, only for the purpose of retail sales, compounds, sells,
17 rents, or leases medical devices shall not, by reasons
18 thereof, be required to be a licensed pharmacy.

19 (v) "Unique identifier" means an electronic signature,
20 handwritten signature or initials, thumbprint ~~thumb print~~, or
21 other acceptable biometric or electronic identification
22 process as approved by the Department.

23 (w) "Current usual and customary retail price" means the
24 price that a pharmacy charges to a non-third-party payor.

25 (x) "Automated pharmacy system" means a mechanical system
26 located within the confines of the pharmacy or remote location

1 that performs operations or activities, other than compounding
2 or administration, relative to storage, packaging, dispensing,
3 or distribution of medication, and which collects, controls,
4 and maintains all transaction information.

5 (y) "Drug regimen review" means and includes the
6 evaluation of prescription drug orders and patient records for
7 (1) known allergies; (2) drug or potential therapy
8 contraindications; (3) reasonable dose, duration of use, and
9 route of administration, taking into consideration factors
10 such as age, gender, and contraindications; (4) reasonable
11 directions for use; (5) potential or actual adverse drug
12 reactions; (6) drug-drug interactions; (7) drug-food
13 interactions; (8) drug-disease contraindications; (9)
14 therapeutic duplication; (10) patient laboratory values when
15 authorized and available; (11) proper utilization (including
16 over or under utilization) and optimum therapeutic outcomes;
17 and (12) abuse and misuse.

18 (z) "Electronically transmitted prescription" means a
19 prescription that is created, recorded, or stored by
20 electronic means; issued and validated with an electronic
21 signature; and transmitted by electronic means directly from
22 the prescriber to a pharmacy. An electronic prescription is
23 not an image of a physical prescription that is transferred by
24 electronic means from computer to computer, facsimile to
25 facsimile, or facsimile to computer.

26 (aa) "Medication therapy management services" means a

1 distinct service or group of services offered by licensed
2 pharmacists, physicians licensed to practice medicine in all
3 its branches, advanced practice registered nurses authorized
4 in a written agreement with a physician licensed to practice
5 medicine in all its branches, or physician assistants
6 authorized in guidelines by a supervising physician that
7 optimize therapeutic outcomes for individual patients through
8 improved medication use. In a retail or other non-hospital
9 pharmacy, medication therapy management services shall consist
10 of the evaluation of prescription drug orders and patient
11 medication records to resolve conflicts with the following:

- 12 (1) known allergies;
- 13 (2) drug or potential therapy contraindications;
- 14 (3) reasonable dose, duration of use, and route of
15 administration, taking into consideration factors such as
16 age, gender, and contraindications;
- 17 (4) reasonable directions for use;
- 18 (5) potential or actual adverse drug reactions;
- 19 (6) drug-drug interactions;
- 20 (7) drug-food interactions;
- 21 (8) drug-disease contraindications;
- 22 (9) identification of therapeutic duplication;
- 23 (10) patient laboratory values when authorized and
24 available;
- 25 (11) proper utilization (including over or under
26 utilization) and optimum therapeutic outcomes; and

1 (12) drug abuse and misuse.

2 "Medication therapy management services" includes the
3 following:

4 (1) documenting the services delivered and
5 communicating the information provided to patients'
6 prescribers within an appropriate time frame, not to
7 exceed 48 hours;

8 (2) providing patient counseling designed to enhance a
9 patient's understanding and the appropriate use of his or
10 her medications; and

11 (3) providing information, support services, and
12 resources designed to enhance a patient's adherence with
13 his or her prescribed therapeutic regimens.

14 "Medication therapy management services" may also include
15 patient care functions authorized by a physician licensed to
16 practice medicine in all its branches for his or her
17 identified patient or groups of patients under specified
18 conditions or limitations in a standing order from the
19 physician.

20 "Medication therapy management services" in a licensed
21 hospital may also include the following:

22 (1) reviewing assessments of the patient's health
23 status; and

24 (2) following protocols of a hospital pharmacy and
25 therapeutics committee with respect to the fulfillment of
26 medication orders.

1 (bb) "Pharmacist care" means the provision by a pharmacist
2 of medication therapy management services, with or without the
3 dispensing of drugs or devices, intended to achieve outcomes
4 that improve patient health, quality of life, and comfort and
5 enhance patient safety.

6 (cc) "Protected health information" means individually
7 identifiable health information that, except as otherwise
8 provided, is:

9 (1) transmitted by electronic media;

10 (2) maintained in any medium set forth in the
11 definition of "electronic media" in the federal Health
12 Insurance Portability and Accountability Act; or

13 (3) transmitted or maintained in any other form or
14 medium.

15 "Protected health information" does not include
16 individually identifiable health information found in:

17 (1) education records covered by the federal Family
18 Educational Right and Privacy Act; or

19 (2) employment records held by a licensee in its role
20 as an employer.

21 (dd) "Standing order" means a specific order for a patient
22 or group of patients issued by a physician licensed to
23 practice medicine in all its branches in Illinois.

24 (ee) "Address of record" means the designated address
25 recorded by the Department in the applicant's application file
26 or licensee's license file maintained by the Department's

1 licensure maintenance unit.

2 (ff) "Home pharmacy" means the location of a pharmacy's
3 primary operations.

4 (gg) "Email address of record" means the designated email
5 address recorded by the Department in the applicant's
6 application file or the licensee's license file, as maintained
7 by the Department's licensure maintenance unit.

8 (Source: P.A. 102-16, eff. 6-17-21; 102-103, eff. 1-1-22;
9 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1051, eff.
10 1-1-23; 103-1, eff. 4-27-23; 103-593, eff. 6-7-24; 103-612,
11 eff. 1-1-25; revised 11-26-24.)

12 Section 850. The Illinois Physical Therapy Act is amended
13 by changing Section 2 as follows:

14 (225 ILCS 90/2) (from Ch. 111, par. 4252)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 2. Licensure requirement; exempt activities. ~~Practice~~
17 ~~without a license forbidden exception.~~ No person shall after
18 the date of August 31, 1965 begin to practice physical therapy
19 in this State or hold himself out as being able to practice
20 this profession, unless he is licensed as such in accordance
21 with the provisions of this Act. After July 1, 1991 (the
22 effective date of Public Act 86-1396) ~~this amendatory Act of~~
23 ~~1990~~, no person shall practice or hold himself out as a
24 physical therapist assistant unless he is licensed as such

1 under this Act. A physical therapist shall use the initials
2 "PT" in connection with his or her name to denote licensure
3 under this Act, and a physical therapist assistant shall use
4 the initials "PTA" in connection with his or her name to denote
5 licensure under this Act.

6 This Act does not prohibit:

7 (1) Any person licensed in this State under any other
8 Act from engaging in the practice for which he is
9 licensed.

10 (2) The practice of physical therapy by those persons,
11 practicing under the supervision of a licensed physical
12 therapist and who have met all of the qualifications as
13 provided in Sections 7, 8.1, and 9 of this Act, until the
14 next examination is given for physical therapists or
15 physical therapist assistants and the results have been
16 received by the Department and the Department has
17 determined the applicant's eligibility for a license.
18 Anyone failing to pass said examination shall not again
19 practice physical therapy until such time as an
20 examination has been successfully passed by such person.

21 (3) The practice of physical therapy for a period not
22 exceeding 6 months by a person who is in this State on a
23 temporary basis to assist in a case of medical emergency
24 or to engage in a special physical therapy project, and
25 who meets the qualifications for a physical therapist as
26 set forth in Sections 7 and 8 of this Act and is licensed

1 in another state as a physical therapist.

2 (4) Practice of physical therapy by qualified persons
3 who have filed for endorsement for no longer than one year
4 or until such time that notification of licensure has been
5 granted or denied, whichever period of time is lesser.

6 (5) One or more licensed physical therapists from
7 forming a professional service corporation under the
8 provisions of the "Professional Service Corporation Act",
9 ~~approved September 15, 1969, as now or hereafter amended,~~
10 and licensing such corporation for the practice of
11 physical therapy.

12 (6) Physical therapy aides from performing patient
13 care activities under the on-site supervision of a
14 licensed physical therapist or licensed physical therapist
15 assistant. These patient care activities shall not include
16 interpretation of referrals, evaluation procedures, the
17 planning of or major modifications of, patient programs.

18 (7) Physical therapist assistants ~~Therapist Assistants~~
19 from performing patient care activities under the general
20 supervision of a licensed physical therapist. The physical
21 therapist must maintain continual contact with the
22 physical therapist assistant including periodic personal
23 supervision and instruction to insure the safety and
24 welfare of the patient.

25 (8) The practice of physical therapy by a physical
26 therapy student or a physical therapist assistant student

1 under the on-site supervision of a licensed physical
2 therapist. The physical therapist shall be readily
3 available for direct supervision and instruction to insure
4 the safety and welfare of the patient.

5 (9) The practice of physical therapy as part of an
6 educational program by a physical therapist licensed in
7 another state or country for a period not to exceed 6
8 months.

9 (10) (Blank). ~~The practice, services, or activities of~~
10 ~~persons practicing the specified occupations set forth in~~
11 ~~subsection (a) of, and pursuant to a licensing exemption~~
12 ~~granted in subsection (b) or (d) of, Section 2105-350 of~~
13 ~~the Department of Professional Regulation Law of the Civil~~
14 ~~Administrative Code of Illinois, but only for so long as~~
15 ~~the 2016 Olympic and Paralympic Games Professional~~
16 ~~Licensure Exemption Law is operable.~~

17 (Source: P.A. 96-7, eff. 4-3-09; revised 8-6-24.)

18 Section 855. The Podiatric Medical Practice Act of 1987 is
19 amended by changing Section 24 as follows:

20 (225 ILCS 100/24) (from Ch. 111, par. 4824)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 24. Grounds for disciplinary action. The Department
23 may refuse to issue, may refuse to renew, may refuse to
24 restore, may suspend, or may revoke any license, or may place

1 on probation, reprimand or take other disciplinary or
2 non-disciplinary action as the Department may deem proper,
3 including fines not to exceed \$10,000 for each violation upon
4 anyone licensed under this Act for any of the following
5 reasons:

6 (1) Making a material misstatement in furnishing
7 information to the Department.

8 (2) Violations of this Act, or of the rules adopted
9 under this Act.

10 (3) Conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or
12 sentencing, including, but not limited to, convictions,
13 preceding sentences of supervision, conditional discharge,
14 or first offender probation, under the laws of any
15 jurisdiction of the United States that is (i) a felony or
16 (ii) a misdemeanor, an essential element of which is
17 dishonesty, or that is directly related to the practice of
18 the profession.

19 (4) Making any misrepresentation for the purpose of
20 obtaining licenses, or violating any provision of this Act
21 or the rules promulgated thereunder pertaining to
22 advertising.

23 (5) Professional incompetence.

24 (6) Gross or repeated malpractice or negligence.

25 (7) Aiding or assisting another person in violating
26 any provision of this Act or rules.

1 (8) Failing, within 30 days, to provide information in
2 response to a written request made by the Department.

3 (9) Engaging in dishonorable, unethical or
4 unprofessional conduct of a character likely to deceive,
5 defraud or harm the public.

6 (10) Habitual or excessive use of alcohol, narcotics,
7 stimulants, or other chemical agent or drug that results
8 in the inability to practice podiatric medicine with
9 reasonable judgment, skill or safety.

10 (11) Discipline by another United States jurisdiction
11 if at least one of the grounds for the discipline is the
12 same or substantially equivalent to those set forth in
13 this Section.

14 (12) Violation of the prohibition against fee
15 splitting in Section 24.2 of this Act.

16 (13) A finding by the Board that the licensee, after
17 having his or her license placed on probationary status,
18 has violated the terms of probation.

19 (14) Abandonment of a patient.

20 (15) Willfully making or filing false records or
21 reports in his or her practice, including, but not limited
22 to, false records filed with state agencies or
23 departments.

24 (16) Willfully failing to report an instance of
25 suspected child abuse or neglect as required by the Abused
26 and Neglected Child Reporting ~~Report~~ Act.

1 (17) Physical illness, mental illness, or other
2 impairment, including, but not limited to, deterioration
3 through the aging process, or loss of motor skill that
4 results in the inability to practice the profession with
5 reasonable judgment, skill or safety.

6 (18) Solicitation of professional services other than
7 permitted advertising.

8 (19) The determination by a circuit court that a
9 licensed podiatric physician is subject to involuntary
10 admission or judicial admission as provided in the Mental
11 Health and Developmental Disabilities Code operates as an
12 automatic suspension. Such suspension will end only upon a
13 finding by a court that the patient is no longer subject to
14 involuntary admission or judicial admission and issues an
15 order so finding and discharging the patient; and upon the
16 recommendation of the Board to the Secretary that the
17 licensee be allowed to resume his or her practice.

18 (20) Holding oneself out to treat human ailments under
19 any name other than his or her own, or the impersonation of
20 any other physician.

21 (21) Revocation or suspension or other action taken
22 with respect to a podiatric medical license in another
23 jurisdiction that would constitute disciplinary action
24 under this Act.

25 (22) Promotion of the sale of drugs, devices,
26 appliances, or goods provided for a patient in such manner

1 as to exploit the patient for financial gain of the
2 podiatric physician.

3 (23) Gross, willful, and continued overcharging for
4 professional services including filing false statements
5 for collection of fees for those services, including, but
6 not limited to, filing false statement for collection of
7 monies for services not rendered from the medical
8 assistance program of the Department of Healthcare and
9 Family Services (formerly Department of Public Aid) under
10 the Illinois Public Aid Code or other private or public
11 third party payor.

12 (24) Being named as a perpetrator in an indicated
13 report by the Department of Children and Family Services
14 under the Abused and Neglected Child Reporting Act, and
15 upon proof by clear and convincing evidence that the
16 licensee has caused a child to be an abused child or
17 neglected child as defined in the Abused and Neglected
18 Child Reporting Act.

19 (25) Willfully making or filing false records or
20 reports in the practice of podiatric medicine, including,
21 but not limited to, false records to support claims
22 against the medical assistance program of the Department
23 of Healthcare and Family Services (formerly Department of
24 Public Aid) under the Illinois Public Aid Code.

25 (26) (Blank) .

26 (27) Immoral conduct in the commission of any act

1 including, sexual abuse, sexual misconduct, or sexual
2 exploitation, related to the licensee's practice.

3 (28) Violation of the Health Care Worker Self-Referral
4 Act.

5 (29) Failure to report to the Department any adverse
6 final action taken against him or her by another licensing
7 jurisdiction of the United States or any foreign state or
8 country, any peer review body, any health care
9 institution, any professional society or association, any
10 governmental agency, any law enforcement agency, or any
11 court for acts or conduct similar to acts or conduct that
12 would constitute grounds for action as defined in this
13 Section.

14 (30) Willfully failing to report an instance of
15 suspected abuse, neglect, financial exploitation, or
16 self-neglect of an eligible adult as defined in and
17 required by the Adult Protective Services Act.

18 (31) Being named as a perpetrator in an indicated
19 report by the Department on Aging under the Adult
20 Protective Services Act, and upon proof by clear and
21 convincing evidence that the licensee has caused an
22 eligible adult to be abused, neglected, or financially
23 exploited as defined in the Adult Protective Services Act.

24 The Department may refuse to issue or may suspend the
25 license of any person who fails to file a return, or to pay the
26 tax, penalty, or interest shown in a filed return, or to pay

1 any final assessment of tax, penalty, or interest, as required
2 by any tax Act administered by the Illinois Department of
3 Revenue, until such time as the requirements of any such tax
4 Act are satisfied.

5 Upon receipt of a written communication from the Secretary
6 of Human Services, the Director of Healthcare and Family
7 Services (formerly Director of Public Aid), or the Director of
8 Public Health that continuation of practice of a person
9 licensed under this Act constitutes an immediate danger to the
10 public, the Secretary may immediately suspend the license of
11 such person without a hearing. In instances in which the
12 Secretary immediately suspends a license under this Section, a
13 hearing upon such person's license must be convened by the
14 Board within 15 days after such suspension and completed
15 without appreciable delay, such hearing held to determine
16 whether to recommend to the Secretary that the person's
17 license be revoked, suspended, placed on probationary status,
18 or restored, or such person be subject to other disciplinary
19 action. In such hearing, the written communication and any
20 other evidence submitted therewith may be introduced as
21 evidence against such person; provided, however, the person or
22 his counsel shall have the opportunity to discredit or impeach
23 such evidence and submit evidence rebutting the same.

24 Except for fraud in procuring a license, all proceedings
25 to suspend, revoke, place on probationary status, or take any
26 other disciplinary action as the Department may deem proper,

1 with regard to a license on any of the foregoing grounds, must
2 be commenced within 5 years after receipt by the Department of
3 a complaint alleging the commission of or notice of the
4 conviction order for any of the acts described in this
5 Section. Except for the grounds set forth in items (8), (9),
6 (26), and (29) of this Section, no action shall be commenced
7 more than 10 years after the date of the incident or act
8 alleged to have been a violation of this Section. In the event
9 of the settlement of any claim or cause of action in favor of
10 the claimant or the reduction to final judgment of any civil
11 action in favor of the plaintiff, such claim, cause of action,
12 or civil action being grounded on the allegation that a person
13 licensed under this Act was negligent in providing care, the
14 Department shall have an additional period of 2 years from the
15 date of notification to the Department under Section 26 of
16 this Act of such settlement or final judgment in which to
17 investigate and commence formal disciplinary proceedings under
18 Section 24 of this Act, except as otherwise provided by law.
19 The time during which the holder of the license was outside the
20 State of Illinois shall not be included within any period of
21 time limiting the commencement of disciplinary action by the
22 Department.

23 In enforcing this Section, the Department or Board upon a
24 showing of a possible violation may compel an individual
25 licensed to practice under this Act, or who has applied for
26 licensure under this Act, to submit to a mental or physical

1 examination, or both, as required by and at the expense of the
2 Department. The Department or Board may order the examining
3 physician to present testimony concerning the mental or
4 physical examination of the licensee or applicant. No
5 information shall be excluded by reason of any common law or
6 statutory privilege relating to communications between the
7 licensee or applicant and the examining physician. The
8 examining physicians shall be specifically designated by the
9 Board or Department. The individual to be examined may have,
10 at his or her own expense, another physician of his or her
11 choice present during all aspects of this examination. Failure
12 of an individual to submit to a mental or physical
13 examination, when directed, shall be grounds for suspension of
14 his or her license until the individual submits to the
15 examination if the Department finds, after notice and hearing,
16 that the refusal to submit to the examination was without
17 reasonable cause.

18 If the Department or Board finds an individual unable to
19 practice because of the reasons set forth in this Section, the
20 Department or Board may require that individual to submit to
21 care, counseling, or treatment by physicians approved or
22 designated by the Department or Board, as a condition, term,
23 or restriction for continued, restored, or renewed licensure
24 to practice; or, in lieu of care, counseling, or treatment,
25 the Department may file, or the Board may recommend to the
26 Department to file, a complaint to immediately suspend,

1 revoke, or otherwise discipline the license of the individual.
2 An individual whose license was granted, continued, restored,
3 renewed, disciplined, or supervised subject to such terms,
4 conditions, or restrictions, and who fails to comply with such
5 terms, conditions, or restrictions, shall be referred to the
6 Secretary for a determination as to whether the individual
7 shall have his or her license suspended immediately, pending a
8 hearing by the Department.

9 In instances in which the Secretary immediately suspends a
10 person's license under this Section, a hearing on that
11 person's license must be convened by the Department within 30
12 days after the suspension and completed without appreciable
13 delay. The Department and Board shall have the authority to
14 review the subject individual's record of treatment and
15 counseling regarding the impairment to the extent permitted by
16 applicable federal statutes and regulations safeguarding the
17 confidentiality of medical records.

18 An individual licensed under this Act and affected under
19 this Section shall be afforded an opportunity to demonstrate
20 to the Department or Board that he or she can resume practice
21 in compliance with acceptable and prevailing standards under
22 the provisions of his or her license.

23 (Source: P.A. 100-525, eff. 9-22-17; revised 8-6-24.)

24 Section 860. The Professional Counselor and Clinical
25 Professional Counselor Licensing and Practice Act is amended

1 by changing Section 25 as follows:

2 (225 ILCS 107/25)

3 (Section scheduled to be repealed on January 1, 2028)

4 Sec. 25. Powers and duties of the Department. Subject to
5 the provisions of this Act, the Department may:

6 (a) Authorize examinations to ascertain the
7 qualifications and fitness of applicants for licensing as
8 professional counselors or clinical professional
9 counselors and pass upon the qualifications of applicants
10 for licensure by endorsement. All examinations, either
11 conducted or authorized, must allow reasonable
12 accommodations for applicants for whom English is not
13 their primary language and a test in their primary
14 language ~~test~~ is not available. Further, all examinations
15 either conducted or authorized must comply with all
16 communication access and reasonable modification
17 requirements in Section 504 of the federal Rehabilitation
18 Act of 1973 and Title II of the Americans with
19 Disabilities Act of 1990.

20 (b) Conduct hearings on proceedings to refuse to issue
21 or renew or to revoke licenses or suspend, place on
22 probation, censure, or reprimand or take any other
23 disciplinary or non-disciplinary action with regard to a
24 person licensed under this Act.

25 (c) Formulate rules and regulations required for the

1 administration of this Act.

2 (d) (Blank).

3 (e) Establish rules for determining approved graduate
4 professional counseling, clinical professional
5 counseling, psychology, rehabilitation counseling, and
6 similar programs.

7 (Source: P.A. 102-878, eff. 1-1-23; 103-715, eff. 1-1-25;
8 revised 11-24-24.)

9 Section 865. The Veterinary Medicine and Surgery Practice
10 Act of 2004 is amended by changing Section 3 as follows:

11 (225 ILCS 115/3) (from Ch. 111, par. 7003)

12 (Section scheduled to be repealed on January 1, 2029)

13 Sec. 3. Definitions. The following terms have the meanings
14 indicated, unless the context requires otherwise:

15 "Accredited college of veterinary medicine" means a
16 veterinary college, school, or division of a university or
17 college that offers the degree of Doctor of Veterinary
18 Medicine or its equivalent and that is accredited by the
19 Council on Education of the American Veterinary Medical
20 Association (AVMA).

21 "Address of record" means the designated address recorded
22 by the Department in the applicant's or licensee's application
23 file or license file as maintained by the Department's
24 licensure maintenance unit.

1 "Accredited program in veterinary technology" means any
2 post-secondary educational program that is accredited by the
3 AVMA's Committee on Veterinary Technician Education and
4 Activities or any veterinary technician program that is
5 recognized as its equivalent by the AVMA's Committee on
6 Veterinary Technician Education and Activities.

7 "Animal" means any animal, vertebrate or invertebrate,
8 other than a human.

9 "Board" means the Veterinary Licensing and Disciplinary
10 Board.

11 "Certified veterinary technician" means a person who is
12 validly and currently licensed to practice veterinary
13 technology in this State.

14 "Client" means an entity, person, group, or corporation
15 that has entered into an agreement with a veterinarian for the
16 purposes of obtaining veterinary medical services.

17 "Complementary, alternative, and integrative therapies"
18 means a heterogeneous group of diagnostic and therapeutic
19 philosophies and practices, which at the time they are
20 performed may differ from current scientific knowledge, or
21 whose theoretical basis and techniques may diverge from
22 veterinary medicine routinely taught in accredited veterinary
23 medical colleges, or both. "Complementary, alternative, and
24 integrative therapies" includes ~~include~~, but is ~~are~~ not
25 limited to, veterinary acupuncture, acutheraPy, and
26 acupressure; veterinary homeopathy; veterinary manual or

1 manipulative therapy or therapy based on techniques practiced
2 in osteopathy, chiropractic medicine, or physical medicine and
3 therapy; veterinary nutraceutical therapy; veterinary
4 phytotherapy; and other therapies as defined by rule.

5 "Consultation" means when a veterinarian receives advice
6 in person, telephonically, electronically, or by any other
7 method of communication from a veterinarian licensed in this
8 or any other state or other person whose expertise, in the
9 opinion of the veterinarian, would benefit a patient. Under
10 any circumstance, the responsibility for the welfare of the
11 patient remains with the veterinarian receiving consultation.

12 "Department" means the Department of Financial and
13 Professional Regulation.

14 "Direct supervision" means the supervising veterinarian is
15 readily available on the premises where the animal is being
16 treated.

17 "Email address of record" means the designated email
18 address recorded by the Department in the applicant's
19 application file or the licensee's license file, as maintained
20 by the Department's licensure maintenance unit.

21 "Immediate supervision" means the supervising veterinarian
22 is in the immediate area, within audible and visual range of
23 the patient and the person treating the patient.

24 "Impaired veterinarian" means a veterinarian who is unable
25 to practice veterinary medicine with reasonable skill and
26 safety because of a physical or mental disability as evidenced

1 by a written determination or written consent based on
2 clinical evidence, including deterioration through the aging
3 process, loss of motor skills, or abuse of drugs or alcohol of
4 sufficient degree to diminish a person's ability to deliver
5 competent patient care.

6 "Indirect supervision" means the supervising veterinarian
7 need not be on the premises, but has given either written or
8 oral instructions for the treatment of the animal and is
9 available by telephone or other form of communication.

10 "Licensed veterinarian" means a person who is validly and
11 currently licensed to practice veterinary medicine in this
12 State.

13 "Patient" means an animal or group of animals that is
14 examined or treated by a veterinarian.

15 "Person" means an individual, firm, partnership (general,
16 limited, or limited liability), association, joint venture,
17 cooperative, corporation, limited liability company, or any
18 other group or combination acting in concert, whether or not
19 acting as a principal, partner, member, trustee, fiduciary,
20 receiver, or any other kind of legal or personal
21 representative, or as the successor in interest, assignee,
22 agent, factor, servant, employee, director, officer, or any
23 other representative of such person.

24 "Practice of veterinary medicine" means to diagnose,
25 prognose, treat, correct, change, alleviate, or prevent animal
26 disease, illness, pain, deformity, defect, injury, or other

1 physical, dental, or mental conditions by any method or mode,
2 such as telemedicine, including the performance of one or more
3 of the following:

4 (1) Prescribing, dispensing, administering, applying,
5 or ordering the administration of any drug, medicine,
6 biologic, apparatus, anesthetic, or other therapeutic or
7 diagnostic substance, or medical or surgical technique.

8 (2) (Blank).

9 (3) Performing upon an animal a surgical or dental
10 operation.

11 (3.5) Performing upon an animal complementary,
12 alternative, or integrative therapy.

13 (4) Performing upon an animal any manual or mechanical
14 procedure for reproductive management, including the
15 diagnosis or treatment of pregnancy, sterility, or
16 infertility.

17 (4.5) The rendering of advice or recommendation by any
18 means, including telephonic and other electronic
19 communications, with regard to the performing upon an
20 animal any manual or mechanical procedure for reproductive
21 management, including the diagnosis or treatment of
22 pregnancy, sterility, or infertility.

23 (5) Determining the health and fitness of an animal.

24 (6) Representing oneself, directly or indirectly, as
25 engaging in the practice of veterinary medicine.

26 (7) Using any word, letters, or title under such

1 circumstances as to induce the belief that the person
2 using them is qualified to engage in the practice of
3 veterinary medicine or any of its branches. Such use shall
4 be prima facie evidence of the intention to represent
5 oneself as engaging in the practice of veterinary
6 medicine.

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation.

9 "Supervising veterinarian" means a veterinarian who
10 assumes responsibility for the professional care given to an
11 animal by a person working under his or her direction in either
12 an immediate, direct, or indirect supervision arrangement. The
13 supervising veterinarian must have examined the animal at such
14 time as acceptable veterinary medical practices require
15 ~~requires~~, consistent with the particular delegated animal
16 health care task.

17 "Therapeutic" means the treatment, control, and prevention
18 of disease.

19 "Veterinarian" means a person who is validly and currently
20 licensed to practice veterinary medicine in this State.

21 "Veterinarian-client-patient relationship" means that all
22 of the following conditions have been met:

23 (1) The veterinarian has assumed the responsibility
24 for making clinical judgments regarding the health of an
25 animal and the need for medical treatment and the client,
26 owner, or other caretaker has agreed to follow the

1 instructions of the veterinarian;

2 (2) There is sufficient knowledge of an animal by the
3 veterinarian to initiate at least a general or preliminary
4 diagnosis of the medical condition of the animal. This
5 means that the veterinarian has recently seen and is
6 personally acquainted with the keeping and care of the
7 animal by virtue of an in-person examination of the animal
8 or by medically appropriate and timely visits to the
9 premises where the animal is kept, or the veterinarian has
10 access to the patient's records and has been designated by
11 the veterinarian with the prior relationship to provide
12 reasonable and appropriate medical care if the
13 veterinarian with the prior relationship is unavailable;
14 and

15 (3) The practicing veterinarian is readily available
16 for follow-up in case of adverse reactions or failure of
17 the treatment regimen or, if unavailable, has designated
18 another available veterinarian who has access to the
19 patient's records to provide reasonable and appropriate
20 medical care.

21 "Veterinarian-client-patient relationship" does not mean a
22 relationship solely based on telephonic or other electronic
23 communications.

24 "Veterinary medicine" means all branches and specialties
25 included within the practice of veterinary medicine.

26 "Veterinary premises" means any premises or facility where

1 the practice of veterinary medicine occurs, including, but not
2 limited to, a mobile clinic, outpatient clinic, satellite
3 clinic, or veterinary hospital or clinic. "Veterinary
4 premises" does not mean the premises of a veterinary client,
5 research facility, a federal military base, or an accredited
6 college of veterinary medicine.

7 "Veterinary prescription drugs" means those drugs
8 restricted to use by or on the order of a licensed veterinarian
9 in accordance with Section 503(f) of the Federal Food, Drug,
10 and Cosmetic Act (21 U.S.C. 353).

11 "Veterinary specialist" means a veterinarian: (1) who has
12 been awarded and maintains certification from a veterinary
13 specialty organization recognized by the American Board of
14 Veterinary Specialties; (2) who has been awarded and maintains
15 certification from a veterinary certifying organization whose
16 standards have been found by the Board to be equivalent to or
17 more stringent than those of American Board of Veterinary
18 Specialties-recognized veterinary specialty organizations; or
19 (3) who otherwise meets criteria that may be established by
20 the Board to support a claim to be a veterinary specialist.

21 "Veterinary technology" means the performance of services
22 within the field of veterinary medicine by a person who, for
23 compensation or personal profit, is employed by a licensed
24 veterinarian to perform duties that require an understanding
25 of veterinary medicine necessary to carry out the orders of
26 the veterinarian. Those services, however, shall not include

1 diagnosing, prognosing, prescribing, or surgery.

2 (Source: P.A. 103-309, eff. 1-1-24; 103-505, eff. 1-1-24;
3 revised 8-6-24.)

4 Section 870. The Registered Surgical Assistant and
5 Registered Surgical Technologist Title Protection Act is
6 amended by changing Section 75 as follows:

7 (225 ILCS 130/75)

8 (Section scheduled to be repealed on January 1, 2029)

9 Sec. 75. Grounds for disciplinary action.

10 (a) The Department may refuse to issue, renew, or restore
11 a registration, may revoke or suspend a registration, or may
12 place on probation, reprimand, or take other disciplinary or
13 non-disciplinary action with regard to a person registered
14 under this Act, including, but not limited to, the imposition
15 of fines not to exceed \$10,000 for each violation and the
16 assessment of costs as provided for in Section 90, for any one
17 or combination of the following causes:

18 (1) Making a material misstatement in furnishing
19 information to the Department.

20 (2) Violating a provision of this Act or rules adopted
21 under this Act.

22 (3) Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or by
24 sentencing of any crime, including, but not limited to,

1 convictions, preceding sentences of supervision,
2 conditional discharge, or first offender probation, under
3 the laws of any jurisdiction of the United States that is
4 (i) a felony or (ii) a misdemeanor, an essential element
5 of which is dishonesty, or that is directly related to the
6 practice of the profession.

7 (4) Fraud or misrepresentation in applying for,
8 renewing, restoring, reinstating, or procuring a
9 registration under this Act.

10 (5) Aiding or assisting another person in violating a
11 provision of this Act or its rules.

12 (6) Failing to provide information within 60 days in
13 response to a written request made by the Department.

14 (7) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public, as defined by rule of the
17 Department.

18 (8) Discipline by another United States jurisdiction,
19 governmental agency, unit of government, or foreign
20 nation, if at least one of the grounds for discipline is
21 the same or substantially equivalent to those set forth in
22 this Section.

23 (9) Directly or indirectly giving to or receiving from
24 a person, firm, corporation, partnership, or association a
25 fee, commission, rebate, or other form of compensation for
26 professional services not actually or personally rendered.

1 Nothing in this paragraph (9) affects any bona fide
2 independent contractor or employment arrangements among
3 health care professionals, health facilities, health care
4 providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the registrant's practice under this
9 Act. Nothing in this paragraph (9) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered.

12 (10) A finding by the Department that the registrant,
13 after having the registration placed on probationary
14 status, has violated the terms of probation.

15 (11) Willfully making or filing false records or
16 reports in the practice, including, but not limited to,
17 false records or reports filed with State agencies.

18 (12) Willfully making or signing a false statement,
19 certificate, or affidavit to induce payment.

20 (13) Willfully failing to report an instance of
21 suspected child abuse or neglect as required under the
22 Abused and Neglected Child Reporting Act.

23 (14) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 under the Abused and Neglected Child Reporting Act and
26 upon proof by clear and convincing evidence that the

1 registrant has caused a child to be an abused child or
2 neglected child as defined in the Abused and Neglected
3 Child Reporting Act.

4 (15) (Blank).

5 (16) Failure to report to the Department (A) any
6 adverse final action taken against the registrant by
7 another registering or licensing jurisdiction, government
8 agency, law enforcement agency, or any court or (B)
9 liability for conduct that would constitute grounds for
10 action as set forth in this Section.

11 (17) Habitual or excessive use or abuse of drugs
12 defined in law as controlled substances, alcohol, or any
13 other substance that results in the inability to practice
14 with reasonable judgment, skill, or safety.

15 (18) Physical or mental illness, including, but not
16 limited to, deterioration through the aging process or
17 loss of motor skills, which results in the inability to
18 practice the profession for which the person is registered
19 with reasonable judgment, skill, or safety.

20 (19) Gross malpractice.

21 (20) Immoral conduct in the commission of an act
22 related to the registrant's practice, including, but not
23 limited to, sexual abuse, sexual misconduct, or sexual
24 exploitation.

25 (21) Violation of the Health Care Worker Self-Referral
26 Act.

1 (b) The Department may refuse to issue or may suspend
2 without hearing the registration of a person who fails to file
3 a return, to pay the tax, penalty, or interest shown in a filed
4 return, or to pay a final assessment of the tax, penalty, or
5 interest as required by a tax Act administered by the
6 Department of Revenue, until the requirements of the tax Act
7 are satisfied in accordance with subsection (g) of Section
8 2105-15 of the Department of Professional Regulation Law of
9 the Civil Administrative Code of Illinois.

10 (b-1) The Department shall not revoke, suspend, summarily
11 suspend, place on probation, reprimand, refuse to issue or
12 renew, or take any other disciplinary or non-disciplinary
13 action against the license issued under this Act to practice
14 as a registered surgical assistant or registered surgical
15 technologist based solely upon the registered surgical
16 assistant or registered surgical technologist providing,
17 authorizing, recommending, aiding, assisting, referring for,
18 or otherwise participating in any health care service, so long
19 as the care was not unlawful under the laws of this State,
20 regardless of whether the patient was a resident of this State
21 or another state.

22 (b-2) The Department shall not revoke, suspend, summarily
23 suspend, place on prohibition, reprimand, refuse to issue or
24 renew, or take any other disciplinary or non-disciplinary
25 action against the license issued under this Act to practice
26 as a registered surgical assistant or registered surgical

1 technologist based upon the registered surgical assistant's or
2 registered surgical technologist's license being revoked or
3 suspended, or the registered surgical assistant's or
4 registered surgical technologist's being otherwise disciplined
5 by any other state, if that revocation, suspension, or other
6 form of discipline was based solely on the registered surgical
7 assistant or registered surgical technologist violating
8 another state's laws prohibiting the provision of,
9 authorization of, recommendation of, aiding or assisting in,
10 referring for, or participation in any health care service if
11 that health care service as provided would not have been
12 unlawful under the laws of this State and is consistent with
13 the standards of conduct for the registered surgical assistant
14 or registered surgical technologist practicing in this State.

15 (b-3) The conduct specified in subsection (b-1) or (b-2)
16 shall not constitute grounds for suspension under Section 145.

17 (b-4) An applicant seeking licensure, certification, or
18 authorization pursuant to this Act who has been subject to
19 disciplinary action by a duly authorized professional
20 disciplinary agency of another jurisdiction solely on the
21 basis of having provided, authorized, recommended, aided,
22 assisted, referred for, or otherwise participated in health
23 care shall not be denied such licensure, certification, or
24 authorization, unless the Department determines that such
25 action would have constituted professional misconduct in this
26 State. Nothing in this Section shall be construed as

1 prohibiting the Department from evaluating the conduct of such
2 applicant and making a determination regarding the licensure,
3 certification, or authorization to practice a profession under
4 this Act.

5 (c) The determination by a circuit court that a registrant
6 is subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code operates as an automatic suspension. The suspension will
9 end only upon (1) a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission,
11 (2) issuance of an order so finding and discharging the
12 patient, and (3) filing of a petition for restoration
13 demonstrating fitness to practice.

14 (d) (Blank).

15 (e) In cases where the Department of Healthcare and Family
16 Services has previously determined a registrant or a potential
17 registrant is more than 30 days delinquent in the payment of
18 child support and has subsequently certified the delinquency
19 to the Department, the Department may refuse to issue or renew
20 or may revoke or suspend that person's registration or may
21 take other disciplinary action against that person based
22 solely upon the certification of delinquency made by the
23 Department of Healthcare and Family Services in accordance
24 with paragraph (5) of subsection (a) of Section 2105-15 of the
25 Department of Professional Regulation Law of the Civil
26 Administrative Code of Illinois.

1 (f) In enforcing this Section, the Department, upon a
2 showing of a possible violation, may compel any individual
3 registered under this Act or any individual who has applied
4 for registration to submit to a mental or physical examination
5 and evaluation, or both, that may include a substance abuse or
6 sexual offender evaluation, at the expense of the Department.
7 The Department shall specifically designate the examining
8 physician licensed to practice medicine in all of its branches
9 or, if applicable, the multidisciplinary team involved in
10 providing the mental or physical examination and evaluation,
11 or both. The multidisciplinary team shall be led by a
12 physician licensed to practice medicine in all of its branches
13 and may consist of one or more or a combination of physicians
14 licensed to practice medicine in all of its branches, licensed
15 chiropractic physicians, licensed clinical psychologists,
16 licensed clinical social workers, licensed clinical
17 professional counselors, and other professional and
18 administrative staff. Any examining physician or member of the
19 multidisciplinary team may require any person ordered to
20 submit to an examination and evaluation pursuant to this
21 Section to submit to any additional supplemental testing
22 deemed necessary to complete any examination or evaluation
23 process, including, but not limited to, blood testing,
24 urinalysis, psychological testing, or neuropsychological
25 testing.

26 The Department may order the examining physician or any

1 member of the multidisciplinary team to provide to the
2 Department any and all records, including business records,
3 that relate to the examination and evaluation, including any
4 supplemental testing performed. The Department may order the
5 examining physician or any member of the multidisciplinary
6 team to present testimony concerning this examination and
7 evaluation of the registrant or applicant, including testimony
8 concerning any supplemental testing or documents relating to
9 the examination and evaluation. No information, report,
10 record, or other documents in any way related to the
11 examination and evaluation shall be excluded by reason of any
12 common law or statutory privilege relating to communication
13 between the registrant or applicant and the examining
14 physician or any member of the multidisciplinary team. No
15 authorization is necessary from the registrant or applicant
16 ordered to undergo an evaluation and examination for the
17 examining physician or any member of the multidisciplinary
18 team to provide information, reports, records, or other
19 documents or to provide any testimony regarding the
20 examination and evaluation. The individual to be examined may
21 have, at the individual's own expense, another physician of
22 the individual's choice present during all aspects of the
23 examination.

24 Failure of any individual to submit to mental or physical
25 examination and evaluation, or both, when directed, shall
26 result in an automatic suspension without a hearing until such

1 time as the individual submits to the examination. If the
2 Department finds a registrant unable to practice because of
3 the reasons set forth in this Section, the Department shall
4 require such registrant to submit to care, counseling, or
5 treatment by physicians approved or designated by the
6 Department as a condition for continued, reinstated, or
7 renewed registration.

8 When the Secretary immediately suspends a registration
9 under this Section, a hearing upon such person's registration
10 must be convened by the Department within 15 days after such
11 suspension and completed without appreciable delay. The
12 Department shall have the authority to review the registrant's
13 record of treatment and counseling regarding the impairment to
14 the extent permitted by applicable federal statutes and
15 regulations safeguarding the confidentiality of medical
16 records.

17 Individuals registered under this Act and affected under
18 this Section shall be afforded an opportunity to demonstrate
19 to the Department that they can resume practice in compliance
20 with acceptable and prevailing standards under the provisions
21 of their registration.

22 (g) All fines imposed under this Section shall be paid
23 within 60 days after the effective date of the order imposing
24 the fine or in accordance with the terms set forth in the order
25 imposing the fine.

26 (h) ~~(f)~~ The Department may adopt rules to implement the

1 changes made by Public Act 102-1117.

2 (Source: P.A. 102-1117, eff. 1-13-23; 103-387, eff. 1-1-24;
3 103-605, eff. 7-1-24; revised 10-16-24.)

4 Section 875. The Auction License Act is amended by
5 changing Section 20-15 as follows:

6 (225 ILCS 407/20-15)

7 (Section scheduled to be repealed on January 1, 2030)

8 Sec. 20-15. Disciplinary actions; grounds. The Department
9 may refuse to issue or renew a license, may place on probation
10 or administrative supervision, suspend, or revoke any license
11 or may reprimand or take other disciplinary or
12 non-disciplinary action as the Department may deem proper,
13 including the imposition of fines not to exceed \$10,000 for
14 each violation upon any licensee or applicant under this Act
15 or any person or entity who holds oneself out as an applicant
16 or licensee for any of the following reasons:

17 (1) False or fraudulent representation or material
18 misstatement in furnishing information to the Department
19 in obtaining or seeking to obtain a license.

20 (2) Violation of any provision of this Act or the
21 rules adopted under this Act.

22 (3) Conviction of or entry of a plea of guilty or nolo
23 contendere, as set forth in subsection (c) of Section
24 10-5, to any crime that is a felony or misdemeanor under

1 the laws of the United States or any state or territory
2 thereof, or entry of an administrative sanction by a
3 government agency in this State or any other jurisdiction.

4 (3.5) Failing to notify the Department, within 30 days
5 after the occurrence, of the information required in
6 subsection (c) of Section 10-5.

7 (4) Being adjudged to be a person under legal
8 disability or subject to involuntary admission or to meet
9 the standard for judicial admission as provided in the
10 Mental Health and Developmental Disabilities Code.

11 (5) Discipline of a licensee by another state, the
12 District of Columbia, a territory of the United States, a
13 foreign nation, a governmental agency, or any other entity
14 authorized to impose discipline if at least one of the
15 grounds for that discipline is the same as or ~~the~~
16 equivalent to one of the grounds for discipline set forth
17 in this Act or for failing to report to the Department,
18 within 30 days, any adverse final action taken against the
19 licensee by any other licensing jurisdiction, government
20 agency, law enforcement agency, or court, or liability for
21 conduct that would constitute grounds for action as set
22 forth in this Act.

23 (6) Engaging in the practice of auctioneering,
24 conducting an auction, or providing an auction service
25 without a license or after the license was expired,
26 revoked, suspended, or terminated or while the license was

1 inoperative.

2 (7) Attempting to subvert or cheat on the auctioneer
3 exam or any continuing education exam, or aiding or
4 abetting another to do the same.

5 (8) Directly or indirectly giving to or receiving from
6 a person, firm, corporation, partnership, or association a
7 fee, commission, rebate, or other form of compensation for
8 professional service not actually or personally rendered,
9 except that an auctioneer licensed under this Act may
10 receive a fee from another licensed auctioneer from this
11 State or jurisdiction for the referring of a client or
12 prospect for auction services to the licensed auctioneer.

13 (9) Making any substantial misrepresentation or
14 untruthful advertising.

15 (10) Making any false promises of a character likely
16 to influence, persuade, or induce.

17 (11) Pursuing a continued and flagrant course of
18 misrepresentation or the making of false promises through
19 a licensee, agent, employee, advertising, or otherwise.

20 (12) Any misleading or untruthful advertising, or
21 using any trade name or insignia of membership in any
22 auctioneer association or organization of which the
23 licensee is not a member.

24 (13) Commingling funds of others with the licensee's
25 own funds or failing to keep the funds of others in an
26 escrow or trustee account.

1 (14) Failure to account for, remit, or return any
2 moneys, property, or documents coming into the licensee's
3 possession that belong to others, acquired through the
4 practice of auctioneering, conducting an auction, or
5 providing an auction service within 30 days of the written
6 request from the owner of said moneys, property, or
7 documents.

8 (15) Failure to maintain and deposit into a special
9 account, separate and apart from any personal or other
10 business accounts, all moneys belonging to others
11 entrusted to a licensee while acting as an auctioneer,
12 auction firm, or as a temporary custodian of the funds of
13 others.

14 (16) Failure to make available to Department personnel
15 during normal business hours all escrow and trustee
16 records and related documents maintained in connection
17 with the practice of auctioneering, conducting an auction,
18 or providing an auction service within 24 hours after a
19 request from Department personnel.

20 (17) Making or filing false records or reports in the
21 licensee's practice, including, but not limited to, false
22 records or reports filed with State agencies.

23 (18) Failing to voluntarily furnish copies of all
24 written instruments prepared by the auctioneer and signed
25 by all parties to all parties at the time of execution.

26 (19) Failing to provide information within 30 days in

1 response to a written request made by the Department.

2 (20) Engaging in any act that constitutes a violation
3 of the Illinois Human Rights Act.

4 (21) (Blank).

5 (22) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (23) Offering or advertising real estate for sale or
9 lease at auction without a valid broker or managing
10 broker's license under the Real Estate License Act of
11 1983, or any successor Act, unless exempt from licensure
12 under the terms of the Real Estate License Act of 2000, or
13 any successor Act, except as provided in Section 5-32 of
14 the Real Estate License Act of 2000.

15 (24) Inability to practice the profession with
16 reasonable judgment, skill, or safety as a result of a
17 physical illness, mental illness, or disability.

18 (25) A pattern of practice or other behavior that
19 demonstrates incapacity or incompetence to practice under
20 this Act.

21 (26) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 under the Abused and Neglected Child Reporting Act and
24 upon proof by clear and convincing evidence that the
25 licensee has caused a child to be an abused child or a
26 neglected child as defined in the Abused and Neglected

1 Child Reporting Act.

2 (27) Inability to practice with reasonable judgment,
3 skill, or safety as a result of habitual or excessive use
4 or addiction to alcohol, narcotics, stimulants, or any
5 other chemical agent or drug.

6 (28) Willfully failing to report an instance of
7 suspected child abuse or neglect as required by the Abused
8 and Neglected Child Reporting Act.

9 (29) Violating the terms of any order issued by the
10 Department.

11 (Source: P.A. 102-970, eff. 5-27-22; 103-236, eff. 1-1-24;
12 revised 8-13-24.)

13 Section 880. The Illinois Certified Shorthand Reporters
14 Act of 1984 is amended by changing Section 27 as follows:

15 (225 ILCS 415/27) (from Ch. 111, par. 6243)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 27. As a condition for renewal of a license,
18 licensees shall be required to complete continuing education
19 in accordance with rules established by the Department.

20 Persons employed as full-time ~~full-time~~ court reporters
21 under the Court Reporters Act may apply for a waiver from the
22 continuing education requirements. The waiver shall be granted
23 upon the submission of evidence satisfactory to the Department
24 that the certified shorthand reporter is employed as a

1 full-time ~~full-time~~ court reporter under the Court Reporters
2 Act.

3 (Source: P.A. 98-445, eff. 12-31-13; revised 10-23-24.)

4 Section 885. The Hydraulic Fracturing Regulatory Act is
5 amended by changing Sections 1-83 and 1-87 as follows:

6 (225 ILCS 732/1-83)

7 Sec. 1-83. Order authority.

8 (a) Any person who has reason to believe the person has
9 ~~they have~~ incurred pollution or diminution of a water source
10 as a result of a high volume horizontal hydraulic fracturing
11 treatment of a well may notify the Department and request that
12 an investigation be conducted.

13 (b) Within 30 calendar days after notification, the
14 Department shall initiate the investigation of the claim and
15 make a reasonable effort to reach a determination within 180
16 calendar days after notification. The Department may contact
17 the Agency to seek the Agency's assistance in water quality
18 sampling. The Agency may seek cost recovery under subsection
19 (e) of Section 1-87 of this Act and recover all costs for
20 samples taken for the investigation under this Section.

21 (c) Any person conducting or who has conducted high volume
22 horizontal hydraulic fracturing operations shall supply any
23 information requested by the Department to assist the
24 Department. The Department shall give due consideration to any

1 information submitted during the course of the investigation.

2 (d) If sampling results or other information obtained as
3 part of the investigation or the results of tests conducted
4 under subsection (c) of Section 1-80 of this Act indicate that
5 concentrations exceed the standards or criteria referenced by
6 pollution or diminution under Section 1-5 of this Act, the
7 Department shall issue an order to the permittee as necessary
8 to require permanent or temporary replacement of a water
9 source. In addition to any other penalty available under the
10 law and consistent with the Department's order, the permittee
11 shall restore or replace the affected supply with an
12 alternative source of water adequate in quantity and quality
13 for the purposes served by the water source. The quality of a
14 restored or replaced water source shall meet or exceed the
15 quality of the original water source based upon the results of
16 the baseline test results under subsection (b) of Section 1-80
17 for that water source, or other available information. The
18 Department may require the permittee to take immediate action,
19 including, but not limited to, repair, replacement,
20 alteration, or prohibition of operation of equipment permitted
21 by the Department. The Department may issue conditions within
22 any order to protect the public health or welfare or the
23 environment.

24 (e) Within 15 calendar days after a determination has been
25 made regarding the pollution or diminution, the Department
26 shall provide notice of its findings and the orders, if any, to

1 all persons that use the water source for domestic,
2 agricultural, industrial, or any other legitimate beneficial
3 uses.

4 (f) Upon issuance of an order ~~Order~~ or a finding of
5 pollution or diminution under subsection (d) of this Section,
6 the Department shall contact the Agency and forward all
7 information from the investigation to the Agency. The Agency
8 shall investigate the potential for violations as designated
9 within Section 1-87 of this Act.

10 (g) Reports of potential cases of water pollution that may
11 be associated with high volume horizontal hydraulic fracturing
12 operations may be submitted electronically. The Department
13 shall establish a format for these reports to be submitted
14 through the website developed under Section 1-110 of this Act.
15 The Department shall electronically provide these reports to
16 the Agency.

17 (h) The Department shall publish, on its website, lists of
18 confirmed cases of pollution or diminution that result from
19 high volume horizontal hydraulic fracturing operations. This
20 information shall be searchable by county.

21 (i) Nothing in this Section shall prevent the Department
22 from issuing a cessation order under Section 8a of the
23 Illinois Oil and Gas Act.

24 (Source: P.A. 98-22, eff. 6-17-13; revised 10-23-24.)

1 Sec. 1-87. Water quality investigation and enforcement.

2 (a) No person shall cause or allow high volume horizontal
3 hydraulic fracturing operations permitted under this Act to
4 violate Section 12 of the Illinois Environmental Protection
5 Act or surface water or groundwater regulations adopted under
6 the Illinois Environmental Protection Act.

7 (b) The Agency shall have the duty to investigate
8 complaints that activities under this Act have caused a
9 violation of Section 12 of the Illinois Environmental
10 Protection Act or surface or groundwater rules adopted under
11 the Illinois Environmental Protection Act. Any action taken by
12 the Agency in enforcing these violations shall be taken under
13 and consistent with the Illinois Environmental Protection Act,
14 including, but not limited to, the Agency's authority to seek
15 a civil or criminal cause of action under that Act. The test
16 results under subsections (b) and (c) of Section 1-80 of this
17 Act may be considered by the Agency during an investigation
18 under this Section.

19 (c) A person who has reason to believe the person has ~~they~~
20 ~~have~~ incurred contamination of a water source as a result of
21 high volume horizontal hydraulic fracturing may notify the
22 Agency and request an investigation be conducted. The Agency
23 shall forward this request to the Department for consideration
24 of an investigation under Section 1-83 of this Act. If the
25 Agency is provided with notice under subsection (f) of Section
26 1-83, the Agency shall conduct an investigation to determine

1 whether pollution or diminution is continuing to occur at the
2 location subject to the order, as well as locations identified
3 by the Department or at any other water source within 1,500
4 feet of the well site. Any person conducting or who has
5 conducted high volume horizontal hydraulic fracturing
6 operations shall supply any information requested to assist
7 the Agency in its investigation. The Agency shall give due
8 consideration to any information submitted during the course
9 of the investigation.

10 (d) Pollution or diminution is a violation of this Act and
11 may be pursued by the Department subject to the procedures and
12 remedies under Sections 1-100 and 1-105 of this Act.

13 (e) If an Agency investigation under Section 1-83 or
14 subsection (c) of this Section confirms that the cause of the
15 pollution, diminution, or water pollution is attributable to
16 high volume horizontal hydraulic fracturing operations, in
17 addition to any other relief available under law, the
18 permittee shall be required to reimburse the costs and
19 reasonable expenses incurred by the Agency for all activities
20 related to the investigation and cleanup. These costs shall
21 include, but not be limited to, inspections, investigations,
22 analyses, personnel, direct and indirect costs, studies,
23 assessments, reports, and review and evaluation of that data,
24 as well as costs under the Agency's review of whether the
25 quality of a restored or replaced water supply meets or
26 exceeds the quality of the water supply before it was affected

1 by the permittee. Costs shall be reimbursed to the Agency by
2 the permittee within 30 calendar days after receipt of a
3 written request for reimbursement by the Agency. For all costs
4 that remain unpaid following 30 calendar days after receipt of
5 a written request for reimbursement, the Agency may institute
6 a civil action for cost recovery under subsection (e) of
7 Section 1-101 of this Act. Failure to reimburse the Agency
8 within 30 calendar days after receipt of the written request
9 for reimbursement is a violation of this Act. Reimbursement of
10 costs collected under this subsection shall be deposited by
11 the Agency into the Illinois Clean Water Fund.

12 (Source: P.A. 98-22, eff. 6-17-13; revised 10-23-24.)

13 Section 890. The Sports Wagering Act is amended by
14 changing Section 25-15 as follows:

15 (230 ILCS 45/25-15)

16 Sec. 25-15. Board duties and powers.

17 (a) Except for sports wagering conducted under Section
18 25-70, the Board shall have the authority to regulate the
19 conduct of sports wagering under this Act.

20 (b) The Board may adopt any rules the Board considers
21 necessary for the successful implementation, administration,
22 and enforcement of this Act, except for Section 25-70. Rules
23 proposed by the Board may be adopted as emergency rules
24 pursuant to Section 5-45 of the Illinois Administrative

1 Procedure Act.

2 (c) The Board shall levy and collect all fees, surcharges,
3 civil penalties, and monthly taxes on adjusted gross sports
4 wagering receipts imposed by this Act and deposit all moneys
5 into the Sports Wagering Fund, except as otherwise provided
6 under this Act.

7 (d) The Board may exercise any other powers necessary to
8 enforce the provisions of this Act that it regulates and the
9 rules of the Board.

10 (e) The Board shall adopt rules for a license to be
11 employed by a master sports wagering licensee when the
12 employee works in a designated gaming area that has sports
13 wagering or performs duties in furtherance of or associated
14 with the operation of sports wagering by the master sports
15 wagering licensee (occupational license), which shall require
16 an annual license fee of \$250. However, occupational licenses
17 issued under the Illinois Gambling Act for employees of an
18 owners license or organization gaming licensee, once granted,
19 are considered equivalent licenses to work in sports wagering
20 positions located at the same gaming facility. License fees
21 shall be deposited into the State Gaming Fund and used for the
22 administration of this Act.

23 (f) The Board may require that licensees share, in real
24 time and at the sports wagering account level, information
25 regarding a wagerer, amount and type of wager, the time the
26 wager was placed, the location of the wager, including the

1 Internet protocol address, if applicable, the outcome of the
2 wager, and records of abnormal wagering activity. Information
3 shared under this subsection (f) must be submitted in the form
4 and manner as required by rule. If a sports governing body has
5 notified the Board that real-time information sharing for
6 wagers placed on its sports events is necessary and desirable,
7 licensees may share the same information in the form and
8 manner required by the Board by rule with the sports governing
9 body or its designee with respect to wagers on its sports
10 events subject to applicable federal, State, or local laws or
11 regulations, including, without limitation, privacy laws and
12 regulations. Such information may be provided in anonymized
13 form and may be used by a sports governing body solely for
14 integrity purposes. For purposes of this subsection (f), "real
15 time" ~~"real-time"~~ means a commercially reasonable periodic
16 interval.

17 (g) A master sports wagering licensee, professional sports
18 team, league, or association, sports governing body, or
19 institution of higher education may submit to the Board in
20 writing a request to prohibit a type or form of wagering if the
21 master sports wagering licensee, professional sports team,
22 league, or association, sports governing body, or institution
23 of higher education believes that such wagering by type or
24 form is contrary to public policy, unfair to consumers, or
25 affects the integrity of a particular sport or the sports
26 betting industry. The Board shall grant the request upon a

1 demonstration of good cause from the requester and
2 consultation with licensees. The Board shall respond to a
3 request pursuant to this subsection (g) concerning a
4 particular event before the start of the event or, if it is not
5 feasible to respond before the start of the event, as soon as
6 practicable.

7 (h) The Board and master sports wagering licensees may
8 cooperate with investigations conducted by sports governing
9 bodies or law enforcement agencies, including, but not limited
10 to, providing and facilitating the provision of account-level
11 betting information and audio or video files relating to
12 persons placing wagers.

13 (i) A master sports wagering licensee shall make
14 commercially reasonable efforts to promptly notify the Board
15 any information relating to:

16 (1) criminal or disciplinary proceedings commenced
17 against the master sports wagering licensee in connection
18 with its operations;

19 (2) abnormal wagering activity or patterns that may
20 indicate a concern with the integrity of a sports event or
21 sports events;

22 (3) any potential breach of the relevant sports
23 governing body's internal rules and codes of conduct
24 pertaining to sports wagering that a licensee has
25 knowledge of;

26 (4) any other conduct that corrupts a wagering outcome

1 of a sports event or sports events for purposes of
2 financial gain, including match fixing; and

3 (5) suspicious or illegal wagering activities,
4 including use of funds derived from illegal activity,
5 wagers to conceal or launder funds derived from illegal
6 activity, using agents to place wagers, and using false
7 identification.

8 A master sports wagering licensee shall also make
9 commercially reasonable efforts to promptly report information
10 relating to conduct described in paragraphs (2), (3), and (4)
11 of this subsection (i) to the relevant sports governing body.

12 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21;
13 revised 8-13-24.)

14 Section 895. The Liquor Control Act of 1934 is amended by
15 changing Section 6-15 as follows:

16 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

17 Sec. 6-15. No alcoholic liquors shall be sold or delivered
18 in any building belonging to or under the control of the State
19 or any political subdivision thereof except as provided in
20 this Act. The corporate authorities of any city, village,
21 incorporated town, township, or county may provide by
22 ordinance, however, that alcoholic liquor may be sold or
23 delivered in any specifically designated building belonging to
24 or under the control of the municipality, township, or county,

1 or in any building located on land under the control of the
2 municipality, township, or county; provided that such township
3 or county complies with all applicable local ordinances in any
4 incorporated area of the township or county. Alcoholic liquor
5 may be delivered to and sold under the authority of a special
6 use permit on any property owned by a conservation district
7 organized under the Conservation District Act, provided that
8 (i) the alcoholic liquor is sold only at an event authorized by
9 the governing board of the conservation district, (ii) the
10 issuance of the special use permit is authorized by the local
11 liquor control commissioner of the territory in which the
12 property is located, and (iii) the special use permit
13 authorizes the sale of alcoholic liquor for one day or less.
14 Alcoholic liquors may be delivered to and sold at any airport
15 belonging to or under the control of a municipality of more
16 than 25,000 inhabitants, or in any building or on any golf
17 course owned by a park district organized under the Park
18 District Code, subject to the approval of the governing board
19 of the district, or in any building or on any golf course owned
20 by a forest preserve district organized under the Downstate
21 Forest Preserve District Act, subject to the approval of the
22 governing board of the district, or on the grounds within 500
23 feet of any building owned by a forest preserve district
24 organized under the Downstate Forest Preserve District Act
25 during times when food is dispensed for consumption within 500
26 feet of the building from which the food is dispensed, subject

1 to the approval of the governing board of the district, or in a
2 building owned by a Local Mass Transit District organized
3 under the Local Mass Transit District Act, subject to the
4 approval of the governing Board of the District, or in
5 Bicentennial Park, or on the premises of the City of Mendota
6 Lake Park located adjacent to Route 51 in Mendota, Illinois,
7 or on the premises of Camden Park in Milan, Illinois, or in the
8 community center owned by the City of Loves Park that is
9 located at 1000 River Park Drive in Loves Park, Illinois, or,
10 in connection with the operation of an established food
11 serving facility during times when food is dispensed for
12 consumption on the premises, and at the following aquarium and
13 museums located in public parks: Art Institute of Chicago,
14 Chicago Academy of Sciences, Chicago Historical Society, Field
15 Museum of Natural History, Museum of Science and Industry,
16 DuSable Museum of African American History, John G. Shedd
17 Aquarium and Adler Planetarium, or at Lakeview Museum of Arts
18 and Sciences in Peoria, or in connection with the operation of
19 the facilities of the Chicago Zoological Society or the
20 Chicago Horticultural Society on land owned by the Forest
21 Preserve District of Cook County, or on any land used for a
22 golf course or for recreational purposes owned by the Forest
23 Preserve District of Cook County, subject to the control of
24 the Forest Preserve District Board of Commissioners and
25 applicable local law, provided that dram shop liability
26 insurance is provided at maximum coverage limits so as to hold

1 the District harmless from all financial loss, damage, and
2 harm, or in any building located on land owned by the Chicago
3 Park District if approved by the Park District Commissioners,
4 or on any land used for a golf course or for recreational
5 purposes and owned by the Illinois International Port District
6 if approved by the District's governing board, or at any
7 airport, golf course, faculty center, or facility in which
8 conference and convention type activities take place belonging
9 to or under control of any State university or public
10 community college district, provided that with respect to a
11 facility for conference and convention type activities
12 alcoholic liquors shall be limited to the use of the
13 convention or conference participants or participants in
14 cultural, political or educational activities held in such
15 facilities, and provided further that the faculty or staff of
16 the State university or a public community college district,
17 or members of an organization of students, alumni, faculty or
18 staff of the State university or a public community college
19 district are active participants in the conference or
20 convention, or in Memorial Stadium on the campus of the
21 University of Illinois at Urbana-Champaign during games in
22 which the Chicago Bears professional football team is playing
23 in that stadium during the renovation of Soldier Field, not
24 more than one and a half hours before the start of the game and
25 not after the end of the third quarter of the game, or in the
26 Pavilion Facility on the campus of the University of Illinois

1 at Chicago during games in which the Chicago Storm
2 professional soccer team is playing in that facility, not more
3 than one and a half hours before the start of the game and not
4 after the end of the third quarter of the game, or in the
5 Pavilion Facility on the campus of the University of Illinois
6 at Chicago during games in which the WNBA professional women's
7 basketball team is playing in that facility, not more than one
8 and a half hours before the start of the game and not after the
9 10-minute mark of the second half of the game, or by a catering
10 establishment which has rented facilities from a board of
11 trustees of a public community college district, or in a
12 restaurant that is operated by a commercial tenant in the
13 North Campus Parking Deck building that (1) is located at 1201
14 West University Avenue, Urbana, Illinois and (2) is owned by
15 the Board of Trustees of the University of Illinois, or, if
16 approved by the District board, on land owned by the
17 Metropolitan Sanitary District of Greater Chicago and leased
18 to others for a term of at least 20 years. Nothing in this
19 Section precludes the sale or delivery of alcoholic liquor in
20 the form of original packaged goods in premises located at 500
21 S. Racine in Chicago belonging to the University of Illinois
22 and used primarily as a grocery store by a commercial tenant
23 during the term of a lease that predates the University's
24 acquisition of the premises; but the University shall have no
25 power or authority to renew, transfer, or extend the lease
26 with terms allowing the sale of alcoholic liquor; and the sale

1 of alcoholic liquor shall be subject to all local laws and
2 regulations. After the acquisition by Winnebago County of the
3 property located at 404 Elm Street in Rockford, a commercial
4 tenant who sold alcoholic liquor at retail on a portion of the
5 property under a valid license at the time of the acquisition
6 may continue to do so for so long as the tenant and the County
7 may agree under existing or future leases, subject to all
8 local laws and regulations regarding the sale of alcoholic
9 liquor. Alcoholic liquors may be delivered to and sold at
10 Memorial Hall, located at 211 North Main Street, Rockford,
11 under conditions approved by Winnebago County and subject to
12 all local laws and regulations regarding the sale of alcoholic
13 liquor. Each facility shall provide dram shop liability in
14 maximum insurance coverage limits so as to save harmless the
15 State, municipality, State university, airport, golf course,
16 faculty center, facility in which conference and convention
17 type activities take place, park district, Forest Preserve
18 District, public community college district, aquarium, museum,
19 or sanitary district from all financial loss, damage or harm.
20 Alcoholic liquors may be sold at retail in buildings of golf
21 courses owned by municipalities or Illinois State University
22 in connection with the operation of an established food
23 serving facility during times when food is dispensed for
24 consumption upon the premises. Alcoholic liquors may be
25 delivered to and sold at retail in any building owned by a fire
26 protection district organized under the Fire Protection

1 District Act, provided that such delivery and sale is approved
2 by the board of trustees of the district, and provided further
3 that such delivery and sale is limited to fundraising events
4 and to a maximum of 6 events per year. However, the limitation
5 to fundraising events and to a maximum of 6 events per year
6 does not apply to the delivery, sale, or manufacture of
7 alcoholic liquors at the building located at 59 Main Street in
8 Oswego, Illinois, owned by the Oswego Fire Protection District
9 if the alcoholic liquor is sold or dispensed as approved by the
10 Oswego Fire Protection District and the property is no longer
11 being utilized for fire protection purposes.

12 Alcoholic liquors may be served or sold in buildings under
13 the control of the Board of Trustees of the University of
14 Illinois for events that the Board may determine are public
15 events and not related student activities. The Board of
16 Trustees shall issue a written policy within 6 months of
17 August 15, 2008 (the effective date of Public Act 95-847)
18 concerning the types of events that would be eligible for an
19 exemption. Thereafter, the Board of Trustees may issue
20 revised, updated, new, or amended policies as it deems
21 necessary and appropriate. In preparing its written policy,
22 the Board of Trustees shall, among other factors it considers
23 relevant and important, give consideration to the following:
24 (i) whether the event is a student activity or student-related
25 ~~student-related~~ activity; (ii) whether the physical setting of
26 the event is conducive to control of liquor sales and

1 distribution; (iii) the ability of the event operator to
2 ensure that the sale or serving of alcoholic liquors and the
3 demeanor of the participants are in accordance with State law
4 and University policies; (iv) regarding the anticipated
5 attendees at the event, the relative proportion of individuals
6 under the age of 21 to individuals age 21 or older; (v) the
7 ability of the venue operator to prevent the sale or
8 distribution of alcoholic liquors to individuals under the age
9 of 21; (vi) whether the event prohibits participants from
10 removing alcoholic beverages from the venue; and (vii) whether
11 the event prohibits participants from providing their own
12 alcoholic liquors to the venue. In addition, any policy
13 submitted by the Board of Trustees to the Illinois Liquor
14 Control Commission must require that any event at which
15 alcoholic liquors are served or sold in buildings under the
16 control of the Board of Trustees shall require the prior
17 written approval of the Office of the Chancellor for the
18 University campus where the event is located. The Board of
19 Trustees shall submit its policy, and any subsequently
20 revised, updated, new, or amended policies, to the Illinois
21 Liquor Control Commission, and any University event, or
22 location for an event, exempted under such policies shall
23 apply for a license under the applicable Sections of this Act.

24 Alcoholic liquors may be served or sold in buildings under
25 the control of the Board of Trustees of Northern Illinois
26 University for events that the Board may determine are public

1 events and not student-related activities. The Board of
2 Trustees shall issue a written policy within 6 months after
3 June 28, 2011 (the effective date of Public Act 97-45)
4 concerning the types of events that would be eligible for an
5 exemption. Thereafter, the Board of Trustees may issue
6 revised, updated, new, or amended policies as it deems
7 necessary and appropriate. In preparing its written policy,
8 the Board of Trustees shall, in addition to other factors it
9 considers relevant and important, give consideration to the
10 following: (i) whether the event is a student activity or
11 student-related activity; (ii) whether the physical setting of
12 the event is conducive to control of liquor sales and
13 distribution; (iii) the ability of the event operator to
14 ensure that the sale or serving of alcoholic liquors and the
15 demeanor of the participants are in accordance with State law
16 and University policies; (iv) the anticipated attendees at the
17 event and the relative proportion of individuals under the age
18 of 21 to individuals age 21 or older; (v) the ability of the
19 venue operator to prevent the sale or distribution of
20 alcoholic liquors to individuals under the age of 21; (vi)
21 whether the event prohibits participants from removing
22 alcoholic beverages from the venue; and (vii) whether the
23 event prohibits participants from providing their own
24 alcoholic liquors to the venue.

25 Alcoholic liquors may be served or sold in buildings under
26 the control of the Board of Trustees of Chicago State

1 University for events that the Board may determine are public
2 events and not student-related activities. The Board of
3 Trustees shall issue a written policy within 6 months after
4 August 2, 2013 (the effective date of Public Act 98-132)
5 concerning the types of events that would be eligible for an
6 exemption. Thereafter, the Board of Trustees may issue
7 revised, updated, new, or amended policies as it deems
8 necessary and appropriate. In preparing its written policy,
9 the Board of Trustees shall, in addition to other factors it
10 considers relevant and important, give consideration to the
11 following: (i) whether the event is a student activity or
12 student-related activity; (ii) whether the physical setting of
13 the event is conducive to control of liquor sales and
14 distribution; (iii) the ability of the event operator to
15 ensure that the sale or serving of alcoholic liquors and the
16 demeanor of the participants are in accordance with State law
17 and University policies; (iv) the anticipated attendees at the
18 event and the relative proportion of individuals under the age
19 of 21 to individuals age 21 or older; (v) the ability of the
20 venue operator to prevent the sale or distribution of
21 alcoholic liquors to individuals under the age of 21; (vi)
22 whether the event prohibits participants from removing
23 alcoholic beverages from the venue; and (vii) whether the
24 event prohibits participants from providing their own
25 alcoholic liquors to the venue.

26 Alcoholic liquors may be served or sold in buildings under

1 the control of the Board of Trustees of Illinois State
2 University for events that the Board may determine are public
3 events and not student-related activities. The Board of
4 Trustees shall issue a written policy within 6 months after
5 March 1, 2013 (the effective date of Public Act 97-1166)
6 concerning the types of events that would be eligible for an
7 exemption. Thereafter, the Board of Trustees may issue
8 revised, updated, new, or amended policies as it deems
9 necessary and appropriate. In preparing its written policy,
10 the Board of Trustees shall, in addition to other factors it
11 considers relevant and important, give consideration to the
12 following: (i) whether the event is a student activity or
13 student-related activity; (ii) whether the physical setting of
14 the event is conducive to control of liquor sales and
15 distribution; (iii) the ability of the event operator to
16 ensure that the sale or serving of alcoholic liquors and the
17 demeanor of the participants are in accordance with State law
18 and University policies; (iv) the anticipated attendees at the
19 event and the relative proportion of individuals under the age
20 of 21 to individuals age 21 or older; (v) the ability of the
21 venue operator to prevent the sale or distribution of
22 alcoholic liquors to individuals under the age of 21; (vi)
23 whether the event prohibits participants from removing
24 alcoholic beverages from the venue; and (vii) whether the
25 event prohibits participants from providing their own
26 alcoholic liquors to the venue.

1 Alcoholic liquors may be served or sold in buildings under
2 the control of the Board of Trustees of Southern Illinois
3 University for events that the Board may determine are public
4 events and not student-related activities. The Board of
5 Trustees shall issue a written policy within 6 months after
6 August 12, 2016 (the effective date of Public Act 99-795)
7 concerning the types of events that would be eligible for an
8 exemption. Thereafter, the Board of Trustees may issue
9 revised, updated, new, or amended policies as it deems
10 necessary and appropriate. In preparing its written policy,
11 the Board of Trustees shall, in addition to other factors it
12 considers relevant and important, give consideration to the
13 following: (i) whether the event is a student activity or
14 student-related activity; (ii) whether the physical setting of
15 the event is conducive to control of liquor sales and
16 distribution; (iii) the ability of the event operator to
17 ensure that the sale or serving of alcoholic liquors and the
18 demeanor of the participants are in accordance with State law
19 and University policies; (iv) the anticipated attendees at the
20 event and the relative proportion of individuals under the age
21 of 21 to individuals age 21 or older; (v) the ability of the
22 venue operator to prevent the sale or distribution of
23 alcoholic liquors to individuals under the age of 21; (vi)
24 whether the event prohibits participants from removing
25 alcoholic beverages from the venue; and (vii) whether the
26 event prohibits participants from providing their own

1 alcoholic liquors to the venue.

2 Alcoholic liquors may be served or sold in buildings under
3 the control of the Board of Trustees of a public university for
4 events that the Board of Trustees of that public university
5 may determine are public events and not student-related
6 activities. If the Board of Trustees of a public university
7 has not issued a written policy pursuant to an exemption under
8 this Section on or before July 15, 2016 (the effective date of
9 Public Act 99-550), then that Board of Trustees shall issue a
10 written policy within 6 months after July 15, 2016 (the
11 effective date of Public Act 99-550) concerning the types of
12 events that would be eligible for an exemption. Thereafter,
13 the Board of Trustees may issue revised, updated, new, or
14 amended policies as it deems necessary and appropriate. In
15 preparing its written policy, the Board of Trustees shall, in
16 addition to other factors it considers relevant and important,
17 give consideration to the following: (i) whether the event is
18 a student activity or student-related activity; (ii) whether
19 the physical setting of the event is conducive to control of
20 liquor sales and distribution; (iii) the ability of the event
21 operator to ensure that the sale or serving of alcoholic
22 liquors and the demeanor of the participants are in accordance
23 with State law and University policies; (iv) the anticipated
24 attendees at the event and the relative proportion of
25 individuals under the age of 21 to individuals age 21 or older;
26 (v) the ability of the venue operator to prevent the sale or

1 distribution of alcoholic liquors to individuals under the age
2 of 21; (vi) whether the event prohibits participants from
3 removing alcoholic beverages from the venue; and (vii) whether
4 the event prohibits participants from providing their own
5 alcoholic liquors to the venue. As used in this paragraph,
6 "public university" means the University of Illinois, Illinois
7 State University, Chicago State University, Governors State
8 University, Southern Illinois University, Northern Illinois
9 University, Eastern Illinois University, Western Illinois
10 University, and Northeastern Illinois University.

11 Alcoholic liquors may be served or sold in buildings under
12 the control of the Board of Trustees of a community college
13 district for events that the Board of Trustees of that
14 community college district may determine are public events and
15 not student-related activities. The Board of Trustees shall
16 issue a written policy within 6 months after July 15, 2016 (the
17 effective date of Public Act 99-550) concerning the types of
18 events that would be eligible for an exemption. Thereafter,
19 the Board of Trustees may issue revised, updated, new, or
20 amended policies as it deems necessary and appropriate. In
21 preparing its written policy, the Board of Trustees shall, in
22 addition to other factors it considers relevant and important,
23 give consideration to the following: (i) whether the event is
24 a student activity or student-related activity; (ii) whether
25 the physical setting of the event is conducive to control of
26 liquor sales and distribution; (iii) the ability of the event

1 operator to ensure that the sale or serving of alcoholic
2 liquors and the demeanor of the participants are in accordance
3 with State law and community college district policies; (iv)
4 the anticipated attendees at the event and the relative
5 proportion of individuals under the age of 21 to individuals
6 age 21 or older; (v) the ability of the venue operator to
7 prevent the sale or distribution of alcoholic liquors to
8 individuals under the age of 21; (vi) whether the event
9 prohibits participants from removing alcoholic beverages from
10 the venue; and (vii) whether the event prohibits participants
11 from providing their own alcoholic liquors to the venue. This
12 paragraph does not apply to any community college district
13 authorized to sell or serve alcoholic liquor under any other
14 provision of this Section.

15 Alcoholic liquor may be delivered to and sold at retail in
16 the Dorchester Senior Business Center owned by the Village of
17 Dolton if the alcoholic liquor is sold or dispensed only in
18 connection with organized functions for which the planned
19 attendance is 20 or more persons, and if the person or facility
20 selling or dispensing the alcoholic liquor has provided dram
21 shop liability insurance in maximum limits so as to hold
22 harmless the Village of Dolton and the State from all
23 financial loss, damage and harm.

24 Alcoholic liquors may be delivered to and sold at retail
25 in any building used as an Illinois State Armory provided:

26 (i) the Adjutant General's written consent to the

1 issuance of a license to sell alcoholic liquor in such
2 building is filed with the Commission;

3 (ii) the alcoholic liquor is sold or dispensed only in
4 connection with organized functions held on special
5 occasions;

6 (iii) the organized function is one for which the
7 planned attendance is 25 or more persons; and

8 (iv) the facility selling or dispensing the alcoholic
9 liquors has provided dram shop liability insurance in
10 maximum limits so as to save harmless the facility and the
11 State from all financial loss, damage or harm.

12 Alcoholic liquors may be delivered to and sold at retail
13 in the Chicago Civic Center, provided that:

14 (i) the written consent of the Public Building
15 Commission which administers the Chicago Civic Center is
16 filed with the Commission;

17 (ii) the alcoholic liquor is sold or dispensed only in
18 connection with organized functions held on special
19 occasions;

20 (iii) the organized function is one for which the
21 planned attendance is 25 or more persons;

22 (iv) the facility selling or dispensing the alcoholic
23 liquors has provided dram shop liability insurance in
24 maximum limits so as to hold harmless the Civic Center,
25 the City of Chicago and the State from all financial loss,
26 damage or harm; and

1 (v) all applicable local ordinances are complied with.

2 Alcoholic liquors may be delivered or sold in any building
3 belonging to or under the control of any city, village or
4 incorporated town where more than 75% of the physical
5 properties of the building is used for commercial or
6 recreational purposes, and the building is located upon a pier
7 extending into or over the waters of a navigable lake or stream
8 or on the shore of a navigable lake or stream. In accordance
9 with a license issued under this Act, alcoholic liquor may be
10 sold, served, or delivered in buildings and facilities under
11 the control of the Department of Natural Resources during
12 events or activities lasting no more than 7 continuous days
13 upon the written approval of the Director of Natural Resources
14 acting as the controlling government authority. The Director
15 of Natural Resources may specify conditions on that approval,
16 including, but not limited to, requirements for insurance and
17 hours of operation. Notwithstanding any other provision of
18 this Act, alcoholic liquor sold by a United States Army Corps
19 of Engineers or Department of Natural Resources concessionaire
20 who was operating on June 1, 1991 for on-premises consumption
21 only is not subject to the provisions of Articles IV and IX.
22 Beer and wine may be sold on the premises of the Joliet Park
23 District Stadium owned by the Joliet Park District when
24 written consent to the issuance of a license to sell beer and
25 wine in such premises is filed with the local liquor
26 commissioner by the Joliet Park District. Beer and wine may be

1 sold in buildings on the grounds of State veterans' homes when
2 written consent to the issuance of a license to sell beer and
3 wine in such buildings is filed with the Commission by the
4 Department of Veterans' Affairs, and the facility shall
5 provide dram shop liability in maximum insurance coverage
6 limits so as to save the facility harmless from all financial
7 loss, damage or harm. Such liquors may be delivered to and sold
8 at any property owned or held under lease by a Metropolitan
9 Pier and Exposition Authority or Metropolitan Exposition and
10 Auditorium Authority.

11 Beer and wine may be sold and dispensed at professional
12 sporting events and at professional concerts and other
13 entertainment events conducted on premises owned by the Forest
14 Preserve District of Kane County, subject to the control of
15 the District Commissioners and applicable local law, provided
16 that dram shop liability insurance is provided at maximum
17 coverage limits so as to hold the District harmless from all
18 financial loss, damage and harm.

19 Nothing in this Section shall preclude the sale or
20 delivery of beer and wine at a State or county fair or the sale
21 or delivery of beer or wine at a city fair in any otherwise
22 lawful manner.

23 Alcoholic liquors may be sold at retail in buildings in
24 State parks under the control of the Department of Natural
25 Resources, provided:

26 a. the State park has overnight lodging facilities

1 with some restaurant facilities or, not having overnight
2 lodging facilities, has restaurant facilities which serve
3 complete luncheon and dinner or supper meals,

4 b. (blank), and

5 c. the alcoholic liquors are sold by the State park
6 lodge or restaurant concessionaire only during the hours
7 from 11 o'clock a.m. until 12 o'clock midnight.

8 Notwithstanding any other provision of this Act, alcoholic
9 liquor sold by the State park or restaurant concessionaire
10 is not subject to the provisions of Articles IV and IX.

11 Alcoholic liquors may be sold at retail in buildings on
12 properties under the control of the Division of Historic
13 Preservation of the Department of Natural Resources or the
14 Abraham Lincoln Presidential Library and Museum provided:

15 a. the property has overnight lodging facilities with
16 some restaurant facilities or, not having overnight
17 lodging facilities, has restaurant facilities which serve
18 complete luncheon and dinner or supper meals,

19 b. consent to the issuance of a license to sell
20 alcoholic liquors in the buildings has been filed with the
21 commission by the Division of Historic Preservation of the
22 Department of Natural Resources or the Abraham Lincoln
23 Presidential Library and Museum, and

24 c. the alcoholic liquors are sold by the lodge or
25 restaurant concessionaire only during the hours from 11
26 o'clock a.m. until 12 o'clock midnight.

1 The sale of alcoholic liquors pursuant to this Section
2 does not authorize the establishment and operation of
3 facilities commonly called taverns, saloons, bars, cocktail
4 lounges, and the like except as a part of lodge and restaurant
5 facilities in State parks or golf courses owned by Forest
6 Preserve Districts with a population of less than 3,000,000 or
7 municipalities or park districts.

8 Alcoholic liquors may be sold at retail in the Springfield
9 Administration Building of the Department of Transportation
10 and the Illinois State Armory in Springfield; provided, that
11 the controlling government authority may consent to such sales
12 only if

13 a. the request is from a not-for-profit organization;

14 b. such sales would not impede normal operations of
15 the departments involved;

16 c. the not-for-profit organization provides dram shop
17 liability in maximum insurance coverage limits and agrees
18 to defend, save harmless and indemnify the State of
19 Illinois from all financial loss, damage or harm;

20 d. no such sale shall be made during normal working
21 hours of the State of Illinois; and

22 e. the consent is in writing.

23 Alcoholic liquors may be sold at retail in buildings in
24 recreational areas of river conservancy districts under the
25 control of, or leased from, the river conservancy districts.
26 Such sales are subject to reasonable local regulations as

1 provided in Article IV; however, no such regulations may
2 prohibit or substantially impair the sale of alcoholic liquors
3 on Sundays or Holidays.

4 Alcoholic liquors may be provided in long term care
5 facilities owned or operated by a county under Division 5-21
6 or 5-22 of the Counties Code, when approved by the facility
7 operator and not in conflict with the regulations of the
8 Illinois Department of Public Health, to residents of the
9 facility who have had their consumption of the alcoholic
10 liquors provided approved in writing by a physician licensed
11 to practice medicine in all its branches.

12 Alcoholic liquors may be delivered to and dispensed in
13 State housing assigned to employees of the Department of
14 Corrections. No person shall furnish or allow to be furnished
15 any alcoholic liquors to any prisoner confined in any jail,
16 reformatory, prison or house of correction except upon a
17 physician's prescription for medicinal purposes.

18 Alcoholic liquors may be sold at retail or dispensed at
19 the Willard Ice Building in Springfield, at the State Library
20 in Springfield, and at Illinois State Museum facilities by (1)
21 an agency of the State, whether legislative, judicial or
22 executive, provided that such agency first obtains written
23 permission to sell or dispense alcoholic liquors from the
24 controlling government authority, or by (2) a not-for-profit
25 organization, provided that such organization:

26 a. Obtains written consent from the controlling

1 government authority;

2 b. Sells or dispenses the alcoholic liquors in a
3 manner that does not impair normal operations of State
4 offices located in the building;

5 c. Sells or dispenses alcoholic liquors only in
6 connection with an official activity in the building;

7 d. Provides, or its catering service provides, dram
8 shop liability insurance in maximum coverage limits and in
9 which the carrier agrees to defend, save harmless and
10 indemnify the State of Illinois from all financial loss,
11 damage or harm arising out of the selling or dispensing of
12 alcoholic liquors.

13 Nothing in this Act shall prevent a not-for-profit
14 organization or agency of the State from employing the
15 services of a catering establishment for the selling or
16 dispensing of alcoholic liquors at authorized functions.

17 The controlling government authority for the Willard Ice
18 Building in Springfield shall be the Director of the
19 Department of Revenue. The controlling government authority
20 for Illinois State Museum facilities shall be the Director of
21 the Illinois State Museum. The controlling government
22 authority for the State Library in Springfield shall be the
23 Secretary of State.

24 Alcoholic liquors may be delivered to and sold at retail
25 or dispensed at any facility, property or building under the
26 jurisdiction of the Division of Historic Preservation of the

1 Department of Natural Resources, the Abraham Lincoln
2 Presidential Library and Museum, or the State Treasurer where
3 the delivery, sale or dispensing is by (1) an agency of the
4 State, whether legislative, judicial or executive, provided
5 that such agency first obtains written permission to sell or
6 dispense alcoholic liquors from a controlling government
7 authority, or by (2) an individual or organization provided
8 that such individual or organization:

9 a. Obtains written consent from the controlling
10 government authority;

11 b. Sells or dispenses the alcoholic liquors in a
12 manner that does not impair normal workings of State
13 offices or operations located at the facility, property or
14 building;

15 c. Sells or dispenses alcoholic liquors only in
16 connection with an official activity of the individual or
17 organization in the facility, property or building;

18 d. Provides, or its catering service provides, dram
19 shop liability insurance in maximum coverage limits and in
20 which the carrier agrees to defend, save harmless and
21 indemnify the State of Illinois from all financial loss,
22 damage or harm arising out of the selling or dispensing of
23 alcoholic liquors.

24 The controlling government authority for the Division of
25 Historic Preservation of the Department of Natural Resources
26 shall be the Director of Natural Resources, the controlling

1 government authority for the Abraham Lincoln Presidential
2 Library and Museum shall be the Executive Director of the
3 Abraham Lincoln Presidential Library and Museum, and the
4 controlling government authority for the facilities, property,
5 or buildings under the jurisdiction of the State Treasurer
6 shall be the State Treasurer or the State Treasurer's
7 designee.

8 Alcoholic liquors may be delivered to and sold at retail
9 or dispensed for consumption at the Michael Bilandic Building
10 at 160 North LaSalle Street, Chicago IL 60601, after the
11 normal business hours of any day care or child care facility
12 located in the building, by (1) a commercial tenant or
13 subtenant conducting business on the premises under a lease
14 made pursuant to Section 405-315 of the Department of Central
15 Management Services Law ~~(20 ILCS 405/405-315)~~, provided that
16 such tenant or subtenant who accepts delivery of, sells, or
17 dispenses alcoholic liquors shall procure and maintain dram
18 shop liability insurance in maximum coverage limits and in
19 which the carrier agrees to defend, indemnify, and save
20 harmless the State of Illinois from all financial loss,
21 damage, or harm arising out of the delivery, sale, or
22 dispensing of alcoholic liquors, or by (2) an agency of the
23 State, whether legislative, judicial, or executive, provided
24 that such agency first obtains written permission to accept
25 delivery of and sell or dispense alcoholic liquors from the
26 Director of Central Management Services, or by (3) a

1 not-for-profit organization, provided that such organization:

2 a. obtains written consent from the Department of
3 Central Management Services;

4 b. accepts delivery of and sells or dispenses the
5 alcoholic liquors in a manner that does not impair normal
6 operations of State offices located in the building;

7 c. accepts delivery of and sells or dispenses
8 alcoholic liquors only in connection with an official
9 activity in the building; and

10 d. provides, or its catering service provides, dram
11 shop liability insurance in maximum coverage limits and in
12 which the carrier agrees to defend, save harmless, and
13 indemnify the State of Illinois from all financial loss,
14 damage, or harm arising out of the selling or dispensing
15 of alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit
17 organization or agency of the State from employing the
18 services of a catering establishment for the selling or
19 dispensing of alcoholic liquors at functions authorized by the
20 Director of Central Management Services.

21 Alcoholic liquors may be sold at retail or dispensed at
22 the James R. Thompson Center in Chicago, subject to the
23 provisions of Section 7.4 of the State Property Control Act,
24 and 222 South College Street in Springfield, Illinois by (1) a
25 commercial tenant or subtenant conducting business on the
26 premises under a lease or sublease made pursuant to Section

1 405-315 of the Department of Central Management Services Law
2 ~~(20 ILCS 405/405-315)~~, provided that such tenant or subtenant
3 who sells or dispenses alcoholic liquors shall procure and
4 maintain dram shop liability insurance in maximum coverage
5 limits and in which the carrier agrees to defend, indemnify
6 and save harmless the State of Illinois from all financial
7 loss, damage or harm arising out of the sale or dispensing of
8 alcoholic liquors, or by (2) an agency of the State, whether
9 legislative, judicial or executive, provided that such agency
10 first obtains written permission to sell or dispense alcoholic
11 liquors from the Director of Central Management Services, or
12 by (3) a not-for-profit organization, provided that such
13 organization:

14 a. Obtains written consent from the Department of
15 Central Management Services;

16 b. Sells or dispenses the alcoholic liquors in a
17 manner that does not impair normal operations of State
18 offices located in the building;

19 c. Sells or dispenses alcoholic liquors only in
20 connection with an official activity in the building;

21 d. Provides, or its catering service provides, dram
22 shop liability insurance in maximum coverage limits and in
23 which the carrier agrees to defend, save harmless and
24 indemnify the State of Illinois from all financial loss,
25 damage or harm arising out of the selling or dispensing of
26 alcoholic liquors.

1 Nothing in this Act shall prevent a not-for-profit
2 organization or agency of the State from employing the
3 services of a catering establishment for the selling or
4 dispensing of alcoholic liquors at functions authorized by the
5 Director of Central Management Services.

6 Alcoholic liquors may be sold or delivered at any facility
7 owned by the Illinois Sports Facilities Authority provided
8 that dram shop liability insurance has been made available in
9 a form, with such coverage and in such amounts as the Authority
10 reasonably determines is necessary.

11 Alcoholic liquors may be sold at retail or dispensed at
12 the Rockford State Office Building by (1) an agency of the
13 State, whether legislative, judicial or executive, provided
14 that such agency first obtains written permission to sell or
15 dispense alcoholic liquors from the Department of Central
16 Management Services, or by (2) a not-for-profit organization,
17 provided that such organization:

18 a. Obtains written consent from the Department of
19 Central Management Services;

20 b. Sells or dispenses the alcoholic liquors in a
21 manner that does not impair normal operations of State
22 offices located in the building;

23 c. Sells or dispenses alcoholic liquors only in
24 connection with an official activity in the building;

25 d. Provides, or its catering service provides, dram
26 shop liability insurance in maximum coverage limits and in

1 which the carrier agrees to defend, save harmless and
2 indemnify the State of Illinois from all financial loss,
3 damage or harm arising out of the selling or dispensing of
4 alcoholic liquors.

5 Nothing in this Act shall prevent a not-for-profit
6 organization or agency of the State from employing the
7 services of a catering establishment for the selling or
8 dispensing of alcoholic liquors at functions authorized by the
9 Department of Central Management Services.

10 Alcoholic liquors may be sold or delivered in a building
11 that is owned by McLean County, situated on land owned by the
12 county in the City of Bloomington, and used by the McLean
13 County Historical Society if the sale or delivery is approved
14 by an ordinance adopted by the county board, and the
15 municipality in which the building is located may not prohibit
16 that sale or delivery, notwithstanding any other provision of
17 this Section. The regulation of the sale and delivery of
18 alcoholic liquor in a building that is owned by McLean County,
19 situated on land owned by the county, and used by the McLean
20 County Historical Society as provided in this paragraph is an
21 exclusive power and function of the State and is a denial and
22 limitation under Article VII, Section 6, subsection (h) of the
23 Illinois Constitution of the power of a home rule municipality
24 to regulate that sale and delivery.

25 Alcoholic liquors may be sold or delivered in any building
26 situated on land held in trust for any school district

1 organized under Article 34 of the School Code, if the building
2 is not used for school purposes and if the sale or delivery is
3 approved by the board of education.

4 Alcoholic liquors may be delivered to and sold at retail
5 in any building owned by a public library district, provided
6 that the delivery and sale is approved by the board of trustees
7 of that public library district and is limited to library
8 fundraising events or programs of a cultural or educational
9 nature. Before the board of trustees of a public library
10 district may approve the delivery and sale of alcoholic
11 liquors, the board of trustees of the public library district
12 must have a written policy that has been approved by the board
13 of trustees of the public library district governing when and
14 under what circumstances alcoholic liquors may be delivered to
15 and sold at retail on property owned by that public library
16 district. The written policy must (i) provide that no
17 alcoholic liquor may be sold, distributed, or consumed in any
18 area of the library accessible to the general public during
19 the event or program, (ii) prohibit the removal of alcoholic
20 liquor from the venue during the event, and (iii) require that
21 steps be taken to prevent the sale or distribution of
22 alcoholic liquor to persons under the age of 21. Any public
23 library district that has alcoholic liquor delivered to or
24 sold at retail on property owned by the public library
25 district shall provide dram shop liability insurance in
26 maximum insurance coverage limits so as to save harmless the

1 public library districts from all financial loss, damage, or
2 harm.

3 Alcoholic liquors may be sold or delivered in buildings
4 owned by the Community Building Complex Committee of Boone
5 County, Illinois if the person or facility selling or
6 dispensing the alcoholic liquor has provided dram shop
7 liability insurance with coverage and in amounts that the
8 Committee reasonably determines are necessary.

9 Alcoholic liquors may be sold or delivered in the building
10 located at 1200 Centerville Avenue in Belleville, Illinois and
11 occupied by either the Belleville Area Special Education
12 District or the Belleville Area Special Services Cooperative.

13 Alcoholic liquors may be delivered to and sold at the
14 Louis Joliet Renaissance Center, City Center Campus, located
15 at 214 N. Ottawa Street, Joliet, and the Food
16 Services/Culinary Arts Department facilities, Main Campus,
17 located at 1215 Houbolt Road, Joliet, owned by or under the
18 control of Joliet Junior College, Illinois Community College
19 District No. 525.

20 Alcoholic liquors may be delivered to and sold at Triton
21 College, Illinois Community College District No. 504.

22 Alcoholic liquors may be delivered to and sold at the
23 College of DuPage, Illinois Community College District No.
24 502.

25 Alcoholic liquors may be delivered to and sold on any
26 property owned, operated, or controlled by Lewis and Clark

1 Community College, Illinois Community College District No.
2 536.

3 Alcoholic liquors may be delivered to and sold at the
4 building located at 446 East Hickory Avenue in Apple River,
5 Illinois, owned by the Apple River Fire Protection District,
6 and occupied by the Apple River Community Association if the
7 alcoholic liquor is sold or dispensed only in connection with
8 organized functions approved by the Apple River Community
9 Association for which the planned attendance is 20 or more
10 persons and if the person or facility selling or dispensing
11 the alcoholic liquor has provided dram shop liability
12 insurance in maximum limits so as to hold harmless the Apple
13 River Fire Protection District, the Village of Apple River,
14 and the Apple River Community Association from all financial
15 loss, damage, and harm.

16 Alcoholic liquors may be delivered to and sold at the
17 Sikia Restaurant, Kennedy King College Campus, located at 740
18 West 63rd Street, Chicago, and at the Food Services in the
19 Great Hall/Washburne Culinary Institute Department facility,
20 Kennedy King College Campus, located at 740 West 63rd Street,
21 Chicago, owned by or under the control of City Colleges of
22 Chicago, Illinois Community College District No. 508.

23 Alcoholic liquors may be delivered to and sold at the
24 building located at 305 West Grove St. in Poplar Grove,
25 Illinois that is owned and operated by North Boone Fire
26 District #3 if the alcoholic liquor is sold or dispensed only

1 in connection with organized functions approved by the North
2 Boone Fire District #3 for which the planned attendance is 20
3 or more persons and if the person or facility selling or
4 dispensing the alcoholic liquor has provided dram shop
5 liability insurance in maximum limits so as to hold harmless
6 North Boone County Fire District #3 from all financial loss,
7 damage, and harm.

8 (Source: P.A. 103-956, eff. 8-9-24; 103-971, eff. 8-9-24;
9 revised 9-25-24.)

10 Section 900. The Illinois Public Aid Code is amended by
11 changing Sections 5-5, 5-5.01a, 5-5a.1, 5-16.8, 5-16.8a,
12 5-30.1, and 14-12 and by setting forth and renumbering
13 Sections 5-5.24a and 5-52 as follows:

14 (305 ILCS 5/5-5)

15 (Text of Section before amendment by P.A. 103-808)

16 Sec. 5-5. Medical services. The Illinois Department, by
17 rule, shall determine the quantity and quality of and the rate
18 of reimbursement for the medical assistance for which payment
19 will be authorized, and the medical services to be provided,
20 which may include all or part of the following: (1) inpatient
21 hospital services; (2) outpatient hospital services; (3) other
22 laboratory and X-ray services; (4) skilled nursing home
23 services; (5) physicians' services whether furnished in the
24 office, the patient's home, a hospital, a skilled nursing

1 home, or elsewhere; (6) medical care, or any other type of
2 remedial care furnished by licensed practitioners; (7) home
3 health care services; (8) private duty nursing service; (9)
4 clinic services; (10) dental services, including prevention
5 and treatment of periodontal disease and dental caries disease
6 for pregnant individuals, provided by an individual licensed
7 to practice dentistry or dental surgery; for purposes of this
8 item (10), "dental services" means diagnostic, preventive, or
9 corrective procedures provided by or under the supervision of
10 a dentist in the practice of his or her profession; (11)
11 physical therapy and related services; (12) prescribed drugs,
12 dentures, and prosthetic devices; and eyeglasses prescribed by
13 a physician skilled in the diseases of the eye, or by an
14 optometrist, whichever the person may select; (13) other
15 diagnostic, screening, preventive, and rehabilitative
16 services, including to ensure that the individual's need for
17 intervention or treatment of mental disorders or substance use
18 disorders or co-occurring mental health and substance use
19 disorders is determined using a uniform screening, assessment,
20 and evaluation process inclusive of criteria, for children and
21 adults; for purposes of this item (13), a uniform screening,
22 assessment, and evaluation process refers to a process that
23 includes an appropriate evaluation and, as warranted, a
24 referral; "uniform" does not mean the use of a singular
25 instrument, tool, or process that all must utilize; (14)
26 transportation and such other expenses as may be necessary;

1 (15) medical treatment of sexual assault survivors, as defined
2 in Section 1a of the Sexual Assault Survivors Emergency
3 Treatment Act, for injuries sustained as a result of the
4 sexual assault, including examinations and laboratory tests to
5 discover evidence which may be used in criminal proceedings
6 arising from the sexual assault; (16) the diagnosis and
7 treatment of sickle cell anemia; (16.5) services performed by
8 a chiropractic physician licensed under the Medical Practice
9 Act of 1987 and acting within the scope of his or her license,
10 including, but not limited to, chiropractic manipulative
11 treatment; and (17) any other medical care, and any other type
12 of remedial care recognized under the laws of this State. The
13 term "any other type of remedial care" shall include nursing
14 care and nursing home service for persons who rely on
15 treatment by spiritual means alone through prayer for healing.

16 Notwithstanding any other provision of this Section, a
17 comprehensive tobacco use cessation program that includes
18 purchasing prescription drugs or prescription medical devices
19 approved by the Food and Drug Administration shall be covered
20 under the medical assistance program under this Article for
21 persons who are otherwise eligible for assistance under this
22 Article.

23 Notwithstanding any other provision of this Code,
24 reproductive health care that is otherwise legal in Illinois
25 shall be covered under the medical assistance program for
26 persons who are otherwise eligible for medical assistance

1 under this Article.

2 Notwithstanding any other provision of this Section, all
3 tobacco cessation medications approved by the United States
4 Food and Drug Administration and all individual and group
5 tobacco cessation counseling services and telephone-based
6 counseling services and tobacco cessation medications provided
7 through the Illinois Tobacco Quitline shall be covered under
8 the medical assistance program for persons who are otherwise
9 eligible for assistance under this Article. The Department
10 shall comply with all federal requirements necessary to obtain
11 federal financial participation, as specified in 42 CFR
12 433.15(b) (7), for telephone-based counseling services provided
13 through the Illinois Tobacco Quitline, including, but not
14 limited to: (i) entering into a memorandum of understanding or
15 interagency agreement with the Department of Public Health, as
16 administrator of the Illinois Tobacco Quitline; and (ii)
17 developing a cost allocation plan for Medicaid-allowable
18 Illinois Tobacco Quitline services in accordance with 45 CFR
19 95.507. The Department shall submit the memorandum of
20 understanding or interagency agreement, the cost allocation
21 plan, and all other necessary documentation to the Centers for
22 Medicare and Medicaid Services for review and approval.
23 Coverage under this paragraph shall be contingent upon federal
24 approval.

25 Notwithstanding any other provision of this Code, the
26 Illinois Department may not require, as a condition of payment

1 for any laboratory test authorized under this Article, that a
2 physician's handwritten signature appear on the laboratory
3 test order form. The Illinois Department may, however, impose
4 other appropriate requirements regarding laboratory test order
5 documentation.

6 Upon receipt of federal approval of an amendment to the
7 Illinois Title XIX State Plan for this purpose, the Department
8 shall authorize the Chicago Public Schools (CPS) to procure a
9 vendor or vendors to manufacture eyeglasses for individuals
10 enrolled in a school within the CPS system. CPS shall ensure
11 that its vendor or vendors are enrolled as providers in the
12 medical assistance program and in any capitated Medicaid
13 managed care entity (MCE) serving individuals enrolled in a
14 school within the CPS system. Under any contract procured
15 under this provision, the vendor or vendors must serve only
16 individuals enrolled in a school within the CPS system. Claims
17 for services provided by CPS's vendor or vendors to recipients
18 of benefits in the medical assistance program under this Code,
19 the Children's Health Insurance Program, or the Covering ALL
20 KIDS Health Insurance Program shall be submitted to the
21 Department or the MCE in which the individual is enrolled for
22 payment and shall be reimbursed at the Department's or the
23 MCE's established rates or rate methodologies for eyeglasses.

24 On and after July 1, 2012, the Department of Healthcare
25 and Family Services may provide the following services to
26 persons eligible for assistance under this Article who are

1 participating in education, training or employment programs
2 operated by the Department of Human Services as successor to
3 the Department of Public Aid:

4 (1) dental services provided by or under the
5 supervision of a dentist; and

6 (2) eyeglasses prescribed by a physician skilled in
7 the diseases of the eye, or by an optometrist, whichever
8 the person may select.

9 On and after July 1, 2018, the Department of Healthcare
10 and Family Services shall provide dental services to any adult
11 who is otherwise eligible for assistance under the medical
12 assistance program. As used in this paragraph, "dental
13 services" means diagnostic, preventative, restorative, or
14 corrective procedures, including procedures and services for
15 the prevention and treatment of periodontal disease and dental
16 caries disease, provided by an individual who is licensed to
17 practice dentistry or dental surgery or who is under the
18 supervision of a dentist in the practice of his or her
19 profession.

20 On and after July 1, 2018, targeted dental services, as
21 set forth in Exhibit D of the Consent Decree entered by the
22 United States District Court for the Northern District of
23 Illinois, Eastern Division, in the matter of Memisovski v.
24 Maram, Case No. 92 C 1982, that are provided to adults under
25 the medical assistance program shall be established at no less
26 than the rates set forth in the "New Rate" column in Exhibit D

1 of the Consent Decree for targeted dental services that are
2 provided to persons under the age of 18 under the medical
3 assistance program.

4 Subject to federal approval, on and after January 1, 2025,
5 the rates paid for sedation evaluation and the provision of
6 deep sedation and intravenous sedation for the purpose of
7 dental services shall be increased by 33% above the rates in
8 effect on December 31, 2024. The rates paid for nitrous oxide
9 sedation shall not be impacted by this paragraph and shall
10 remain the same as the rates in effect on December 31, 2024.

11 Notwithstanding any other provision of this Code and
12 subject to federal approval, the Department may adopt rules to
13 allow a dentist who is volunteering his or her service at no
14 cost to render dental services through an enrolled
15 not-for-profit health clinic without the dentist personally
16 enrolling as a participating provider in the medical
17 assistance program. A not-for-profit health clinic shall
18 include a public health clinic or Federally Qualified Health
19 Center or other enrolled provider, as determined by the
20 Department, through which dental services covered under this
21 Section are performed. The Department shall establish a
22 process for payment of claims for reimbursement for covered
23 dental services rendered under this provision.

24 Subject to appropriation and to federal approval, the
25 Department shall file administrative rules updating the
26 Handicapping Labio-Lingual Deviation orthodontic scoring tool

1 by January 1, 2025, or as soon as practicable.

2 On and after January 1, 2022, the Department of Healthcare
3 and Family Services shall administer and regulate a
4 school-based dental program that allows for the out-of-office
5 delivery of preventative dental services in a school setting
6 to children under 19 years of age. The Department shall
7 establish, by rule, guidelines for participation by providers
8 and set requirements for follow-up referral care based on the
9 requirements established in the Dental Office Reference Manual
10 published by the Department that establishes the requirements
11 for dentists participating in the All Kids Dental School
12 Program. Every effort shall be made by the Department when
13 developing the program requirements to consider the different
14 geographic differences of both urban and rural areas of the
15 State for initial treatment and necessary follow-up care. No
16 provider shall be charged a fee by any unit of local government
17 to participate in the school-based dental program administered
18 by the Department. Nothing in this paragraph shall be
19 construed to limit or preempt a home rule unit's or school
20 district's authority to establish, change, or administer a
21 school-based dental program in addition to, or independent of,
22 the school-based dental program administered by the
23 Department.

24 The Illinois Department, by rule, may distinguish and
25 classify the medical services to be provided only in
26 accordance with the classes of persons designated in Section

1 5-2.

2 The Department of Healthcare and Family Services must
3 provide coverage and reimbursement for amino acid-based
4 elemental formulas, regardless of delivery method, for the
5 diagnosis and treatment of (i) eosinophilic disorders and (ii)
6 short bowel syndrome when the prescribing physician has issued
7 a written order stating that the amino acid-based elemental
8 formula is medically necessary.

9 The Illinois Department shall authorize the provision of,
10 and shall authorize payment for, screening by low-dose
11 mammography for the presence of occult breast cancer for
12 individuals 35 years of age or older who are eligible for
13 medical assistance under this Article, as follows:

14 (A) A baseline mammogram for individuals 35 to 39
15 years of age.

16 (B) An annual mammogram for individuals 40 years of
17 age or older.

18 (C) A mammogram at the age and intervals considered
19 medically necessary by the individual's health care
20 provider for individuals under 40 years of age and having
21 a family history of breast cancer, prior personal history
22 of breast cancer, positive genetic testing, or other risk
23 factors.

24 (D) A comprehensive ultrasound screening and MRI of an
25 entire breast or breasts if a mammogram demonstrates
26 heterogeneous or dense breast tissue or when medically

1 necessary as determined by a physician licensed to
2 practice medicine in all of its branches.

3 (E) A screening MRI when medically necessary, as
4 determined by a physician licensed to practice medicine in
5 all of its branches.

6 (F) A diagnostic mammogram when medically necessary,
7 as determined by a physician licensed to practice medicine
8 in all its branches, advanced practice registered nurse,
9 or physician assistant.

10 The Department shall not impose a deductible, coinsurance,
11 copayment, or any other cost-sharing requirement on the
12 coverage provided under this paragraph; except that this
13 sentence does not apply to coverage of diagnostic mammograms
14 to the extent such coverage would disqualify a high-deductible
15 health plan from eligibility for a health savings account
16 pursuant to Section 223 of the Internal Revenue Code (26
17 U.S.C. 223).

18 All screenings shall include a physical breast exam,
19 instruction on self-examination and information regarding the
20 frequency of self-examination and its value as a preventative
21 tool.

22 For purposes of this Section:

23 "Diagnostic mammogram" means a mammogram obtained using
24 diagnostic mammography.

25 "Diagnostic mammography" means a method of screening that
26 is designed to evaluate an abnormality in a breast, including

1 an abnormality seen or suspected on a screening mammogram or a
2 subjective or objective abnormality otherwise detected in the
3 breast.

4 "Low-dose mammography" means the x-ray examination of the
5 breast using equipment dedicated specifically for mammography,
6 including the x-ray tube, filter, compression device, and
7 image receptor, with an average radiation exposure delivery of
8 less than one rad per breast for 2 views of an average size
9 breast. The term also includes digital mammography and
10 includes breast tomosynthesis.

11 "Breast tomosynthesis" means a radiologic procedure that
12 involves the acquisition of projection images over the
13 stationary breast to produce cross-sectional digital
14 three-dimensional images of the breast.

15 If, at any time, the Secretary of the United States
16 Department of Health and Human Services, or its successor
17 agency, promulgates rules or regulations to be published in
18 the Federal Register or publishes a comment in the Federal
19 Register or issues an opinion, guidance, or other action that
20 would require the State, pursuant to any provision of the
21 Patient Protection and Affordable Care Act (Public Law
22 111-148), including, but not limited to, 42 U.S.C.
23 18031(d)(3)(B) or any successor provision, to defray the cost
24 of any coverage for breast tomosynthesis outlined in this
25 paragraph, then the requirement that an insurer cover breast
26 tomosynthesis is inoperative other than any such coverage

1 authorized under Section 1902 of the Social Security Act, 42
2 U.S.C. 1396a, and the State shall not assume any obligation
3 for the cost of coverage for breast tomosynthesis set forth in
4 this paragraph.

5 On and after January 1, 2016, the Department shall ensure
6 that all networks of care for adult clients of the Department
7 include access to at least one breast imaging Center of
8 Imaging Excellence as certified by the American College of
9 Radiology.

10 On and after January 1, 2012, providers participating in a
11 quality improvement program approved by the Department shall
12 be reimbursed for screening and diagnostic mammography at the
13 same rate as the Medicare program's rates, including the
14 increased reimbursement for digital mammography and, after
15 January 1, 2023 (the effective date of Public Act 102-1018),
16 breast tomosynthesis.

17 The Department shall convene an expert panel including
18 representatives of hospitals, free-standing mammography
19 facilities, and doctors, including radiologists, to establish
20 quality standards for mammography.

21 On and after January 1, 2017, providers participating in a
22 breast cancer treatment quality improvement program approved
23 by the Department shall be reimbursed for breast cancer
24 treatment at a rate that is no lower than 95% of the Medicare
25 program's rates for the data elements included in the breast
26 cancer treatment quality program.

1 The Department shall convene an expert panel, including
2 representatives of hospitals, free-standing breast cancer
3 treatment centers, breast cancer quality organizations, and
4 doctors, including breast surgeons, reconstructive breast
5 surgeons, oncologists, and primary care providers to establish
6 quality standards for breast cancer treatment.

7 Subject to federal approval, the Department shall
8 establish a rate methodology for mammography at federally
9 qualified health centers and other encounter-rate clinics.
10 These clinics or centers may also collaborate with other
11 hospital-based mammography facilities. By January 1, 2016, the
12 Department shall report to the General Assembly on the status
13 of the provision set forth in this paragraph.

14 The Department shall establish a methodology to remind
15 individuals who are age-appropriate for screening mammography,
16 but who have not received a mammogram within the previous 18
17 months, of the importance and benefit of screening
18 mammography. The Department shall work with experts in breast
19 cancer outreach and patient navigation to optimize these
20 reminders and shall establish a methodology for evaluating
21 their effectiveness and modifying the methodology based on the
22 evaluation.

23 The Department shall establish a performance goal for
24 primary care providers with respect to their female patients
25 over age 40 receiving an annual mammogram. This performance
26 goal shall be used to provide additional reimbursement in the

1 form of a quality performance bonus to primary care providers
2 who meet that goal.

3 The Department shall devise a means of case-managing or
4 patient navigation for beneficiaries diagnosed with breast
5 cancer. This program shall initially operate as a pilot
6 program in areas of the State with the highest incidence of
7 mortality related to breast cancer. At least one pilot program
8 site shall be in the metropolitan Chicago area and at least one
9 site shall be outside the metropolitan Chicago area. On or
10 after July 1, 2016, the pilot program shall be expanded to
11 include one site in western Illinois, one site in southern
12 Illinois, one site in central Illinois, and 4 sites within
13 metropolitan Chicago. An evaluation of the pilot program shall
14 be carried out measuring health outcomes and cost of care for
15 those served by the pilot program compared to similarly
16 situated patients who are not served by the pilot program.

17 The Department shall require all networks of care to
18 develop a means either internally or by contract with experts
19 in navigation and community outreach to navigate cancer
20 patients to comprehensive care in a timely fashion. The
21 Department shall require all networks of care to include
22 access for patients diagnosed with cancer to at least one
23 academic commission on cancer-accredited cancer program as an
24 in-network covered benefit.

25 The Department shall provide coverage and reimbursement
26 for a human papillomavirus (HPV) vaccine that is approved for

1 marketing by the federal Food and Drug Administration for all
2 persons between the ages of 9 and 45. Subject to federal
3 approval, the Department shall provide coverage and
4 reimbursement for a human papillomavirus (HPV) vaccine for
5 persons of the age of 46 and above who have been diagnosed with
6 cervical dysplasia with a high risk of recurrence or
7 progression. The Department shall disallow any
8 preauthorization requirements for the administration of the
9 human papillomavirus (HPV) vaccine.

10 On or after July 1, 2022, individuals who are otherwise
11 eligible for medical assistance under this Article shall
12 receive coverage for perinatal depression screenings for the
13 12-month period beginning on the last day of their pregnancy.
14 Medical assistance coverage under this paragraph shall be
15 conditioned on the use of a screening instrument approved by
16 the Department.

17 Any medical or health care provider shall immediately
18 recommend, to any pregnant individual who is being provided
19 prenatal services and is suspected of having a substance use
20 disorder as defined in the Substance Use Disorder Act,
21 referral to a local substance use disorder treatment program
22 licensed by the Department of Human Services or to a licensed
23 hospital which provides substance abuse treatment services.
24 The Department of Healthcare and Family Services shall assure
25 coverage for the cost of treatment of the drug abuse or
26 addiction for pregnant recipients in accordance with the

1 Illinois Medicaid Program in conjunction with the Department
2 of Human Services.

3 All medical providers providing medical assistance to
4 pregnant individuals under this Code shall receive information
5 from the Department on the availability of services under any
6 program providing case management services for addicted
7 individuals, including information on appropriate referrals
8 for other social services that may be needed by addicted
9 individuals in addition to treatment for addiction.

10 The Illinois Department, in cooperation with the
11 Departments of Human Services (as successor to the Department
12 of Alcoholism and Substance Abuse) and Public Health, through
13 a public awareness campaign, may provide information
14 concerning treatment for alcoholism and drug abuse and
15 addiction, prenatal health care, and other pertinent programs
16 directed at reducing the number of drug-affected infants born
17 to recipients of medical assistance.

18 Neither the Department of Healthcare and Family Services
19 nor the Department of Human Services shall sanction the
20 recipient solely on the basis of the recipient's substance
21 abuse.

22 The Illinois Department shall establish such regulations
23 governing the dispensing of health services under this Article
24 as it shall deem appropriate. The Department should seek the
25 advice of formal professional advisory committees appointed by
26 the Director of the Illinois Department for the purpose of

1 providing regular advice on policy and administrative matters,
2 information dissemination and educational activities for
3 medical and health care providers, and consistency in
4 procedures to the Illinois Department.

5 The Illinois Department may develop and contract with
6 Partnerships of medical providers to arrange medical services
7 for persons eligible under Section 5-2 of this Code.
8 Implementation of this Section may be by demonstration
9 projects in certain geographic areas. The Partnership shall be
10 represented by a sponsor organization. The Department, by
11 rule, shall develop qualifications for sponsors of
12 Partnerships. Nothing in this Section shall be construed to
13 require that the sponsor organization be a medical
14 organization.

15 The sponsor must negotiate formal written contracts with
16 medical providers for physician services, inpatient and
17 outpatient hospital care, home health services, treatment for
18 alcoholism and substance abuse, and other services determined
19 necessary by the Illinois Department by rule for delivery by
20 Partnerships. Physician services must include prenatal and
21 obstetrical care. The Illinois Department shall reimburse
22 medical services delivered by Partnership providers to clients
23 in target areas according to provisions of this Article and
24 the Illinois Health Finance Reform Act, except that:

- 25 (1) Physicians participating in a Partnership and
26 providing certain services, which shall be determined by

1 the Illinois Department, to persons in areas covered by
2 the Partnership may receive an additional surcharge for
3 such services.

4 (2) The Department may elect to consider and negotiate
5 financial incentives to encourage the development of
6 Partnerships and the efficient delivery of medical care.

7 (3) Persons receiving medical services through
8 Partnerships may receive medical and case management
9 services above the level usually offered through the
10 medical assistance program.

11 Medical providers shall be required to meet certain
12 qualifications to participate in Partnerships to ensure the
13 delivery of high quality medical services. These
14 qualifications shall be determined by rule of the Illinois
15 Department and may be higher than qualifications for
16 participation in the medical assistance program. Partnership
17 sponsors may prescribe reasonable additional qualifications
18 for participation by medical providers, only with the prior
19 written approval of the Illinois Department.

20 Nothing in this Section shall limit the free choice of
21 practitioners, hospitals, and other providers of medical
22 services by clients. In order to ensure patient freedom of
23 choice, the Illinois Department shall immediately promulgate
24 all rules and take all other necessary actions so that
25 provided services may be accessed from therapeutically
26 certified optometrists to the full extent of the Illinois

1 Optometric Practice Act of 1987 without discriminating between
2 service providers.

3 The Department shall apply for a waiver from the United
4 States Health Care Financing Administration to allow for the
5 implementation of Partnerships under this Section.

6 The Illinois Department shall require health care
7 providers to maintain records that document the medical care
8 and services provided to recipients of Medical Assistance
9 under this Article. Such records must be retained for a period
10 of not less than 6 years from the date of service or as
11 provided by applicable State law, whichever period is longer,
12 except that if an audit is initiated within the required
13 retention period then the records must be retained until the
14 audit is completed and every exception is resolved. The
15 Illinois Department shall require health care providers to
16 make available, when authorized by the patient, in writing,
17 the medical records in a timely fashion to other health care
18 providers who are treating or serving persons eligible for
19 Medical Assistance under this Article. All dispensers of
20 medical services shall be required to maintain and retain
21 business and professional records sufficient to fully and
22 accurately document the nature, scope, details and receipt of
23 the health care provided to persons eligible for medical
24 assistance under this Code, in accordance with regulations
25 promulgated by the Illinois Department. The rules and
26 regulations shall require that proof of the receipt of

1 prescription drugs, dentures, prosthetic devices and
2 eyeglasses by eligible persons under this Section accompany
3 each claim for reimbursement submitted by the dispenser of
4 such medical services. No such claims for reimbursement shall
5 be approved for payment by the Illinois Department without
6 such proof of receipt, unless the Illinois Department shall
7 have put into effect and shall be operating a system of
8 post-payment audit and review which shall, on a sampling
9 basis, be deemed adequate by the Illinois Department to assure
10 that such drugs, dentures, prosthetic devices and eyeglasses
11 for which payment is being made are actually being received by
12 eligible recipients. Within 90 days after September 16, 1984
13 (the effective date of Public Act 83-1439), the Illinois
14 Department shall establish a current list of acquisition costs
15 for all prosthetic devices and any other items recognized as
16 medical equipment and supplies reimbursable under this Article
17 and shall update such list on a quarterly basis, except that
18 the acquisition costs of all prescription drugs shall be
19 updated no less frequently than every 30 days as required by
20 Section 5-5.12.

21 Notwithstanding any other law to the contrary, the
22 Illinois Department shall, within 365 days after July 22, 2013
23 (the effective date of Public Act 98-104), establish
24 procedures to permit skilled care facilities licensed under
25 the Nursing Home Care Act to submit monthly billing claims for
26 reimbursement purposes. Following development of these

1 procedures, the Department shall, by July 1, 2016, test the
2 viability of the new system and implement any necessary
3 operational or structural changes to its information
4 technology platforms in order to allow for the direct
5 acceptance and payment of nursing home claims.

6 Notwithstanding any other law to the contrary, the
7 Illinois Department shall, within 365 days after August 15,
8 2014 (the effective date of Public Act 98-963), establish
9 procedures to permit ID/DD facilities licensed under the ID/DD
10 Community Care Act and MC/DD facilities licensed under the
11 MC/DD Act to submit monthly billing claims for reimbursement
12 purposes. Following development of these procedures, the
13 Department shall have an additional 365 days to test the
14 viability of the new system and to ensure that any necessary
15 operational or structural changes to its information
16 technology platforms are implemented.

17 The Illinois Department shall require all dispensers of
18 medical services, other than an individual practitioner or
19 group of practitioners, desiring to participate in the Medical
20 Assistance program established under this Article to disclose
21 all financial, beneficial, ownership, equity, surety or other
22 interests in any and all firms, corporations, partnerships,
23 associations, business enterprises, joint ventures, agencies,
24 institutions or other legal entities providing any form of
25 health care services in this State under this Article.

26 The Illinois Department may require that all dispensers of

1 medical services desiring to participate in the medical
2 assistance program established under this Article disclose,
3 under such terms and conditions as the Illinois Department may
4 by rule establish, all inquiries from clients and attorneys
5 regarding medical bills paid by the Illinois Department, which
6 inquiries could indicate potential existence of claims or
7 liens for the Illinois Department.

8 Enrollment of a vendor shall be subject to a provisional
9 period and shall be conditional for one year. During the
10 period of conditional enrollment, the Department may terminate
11 the vendor's eligibility to participate in, or may disenroll
12 the vendor from, the medical assistance program without cause.
13 Unless otherwise specified, such termination of eligibility or
14 disenrollment is not subject to the Department's hearing
15 process. However, a disenrolled vendor may reapply without
16 penalty.

17 The Department has the discretion to limit the conditional
18 enrollment period for vendors based upon the category of risk
19 of the vendor.

20 Prior to enrollment and during the conditional enrollment
21 period in the medical assistance program, all vendors shall be
22 subject to enhanced oversight, screening, and review based on
23 the risk of fraud, waste, and abuse that is posed by the
24 category of risk of the vendor. The Illinois Department shall
25 establish the procedures for oversight, screening, and review,
26 which may include, but need not be limited to: criminal and

1 financial background checks; fingerprinting; license,
2 certification, and authorization verifications; unscheduled or
3 unannounced site visits; database checks; prepayment audit
4 reviews; audits; payment caps; payment suspensions; and other
5 screening as required by federal or State law.

6 The Department shall define or specify the following: (i)
7 by provider notice, the "category of risk of the vendor" for
8 each type of vendor, which shall take into account the level of
9 screening applicable to a particular category of vendor under
10 federal law and regulations; (ii) by rule or provider notice,
11 the maximum length of the conditional enrollment period for
12 each category of risk of the vendor; and (iii) by rule, the
13 hearing rights, if any, afforded to a vendor in each category
14 of risk of the vendor that is terminated or disenrolled during
15 the conditional enrollment period.

16 To be eligible for payment consideration, a vendor's
17 payment claim or bill, either as an initial claim or as a
18 resubmitted claim following prior rejection, must be received
19 by the Illinois Department, or its fiscal intermediary, no
20 later than 180 days after the latest date on the claim on which
21 medical goods or services were provided, with the following
22 exceptions:

23 (1) In the case of a provider whose enrollment is in
24 process by the Illinois Department, the 180-day period
25 shall not begin until the date on the written notice from
26 the Illinois Department that the provider enrollment is

1 complete.

2 (2) In the case of errors attributable to the Illinois
3 Department or any of its claims processing intermediaries
4 which result in an inability to receive, process, or
5 adjudicate a claim, the 180-day period shall not begin
6 until the provider has been notified of the error.

7 (3) In the case of a provider for whom the Illinois
8 Department initiates the monthly billing process.

9 (4) In the case of a provider operated by a unit of
10 local government with a population exceeding 3,000,000
11 when local government funds finance federal participation
12 for claims payments.

13 For claims for services rendered during a period for which
14 a recipient received retroactive eligibility, claims must be
15 filed within 180 days after the Department determines the
16 applicant is eligible. For claims for which the Illinois
17 Department is not the primary payer, claims must be submitted
18 to the Illinois Department within 180 days after the final
19 adjudication by the primary payer.

20 In the case of long term care facilities, within 120
21 calendar days of receipt by the facility of required
22 prescreening information, new admissions with associated
23 admission documents shall be submitted through the Medical
24 Electronic Data Interchange (MEDI) or the Recipient
25 Eligibility Verification (REV) System or shall be submitted
26 directly to the Department of Human Services using required

1 admission forms. Effective September 1, 2014, admission
2 documents, including all prescreening information, must be
3 submitted through MEDI or REV. Confirmation numbers assigned
4 to an accepted transaction shall be retained by a facility to
5 verify timely submittal. Once an admission transaction has
6 been completed, all resubmitted claims following prior
7 rejection are subject to receipt no later than 180 days after
8 the admission transaction has been completed.

9 Claims that are not submitted and received in compliance
10 with the foregoing requirements shall not be eligible for
11 payment under the medical assistance program, and the State
12 shall have no liability for payment of those claims.

13 To the extent consistent with applicable information and
14 privacy, security, and disclosure laws, State and federal
15 agencies and departments shall provide the Illinois Department
16 access to confidential and other information and data
17 necessary to perform eligibility and payment verifications and
18 other Illinois Department functions. This includes, but is not
19 limited to: information pertaining to licensure;
20 certification; earnings; immigration status; citizenship; wage
21 reporting; unearned and earned income; pension income;
22 employment; supplemental security income; social security
23 numbers; National Provider Identifier (NPI) numbers; the
24 National Practitioner Data Bank (NPDB); program and agency
25 exclusions; taxpayer identification numbers; tax delinquency;
26 corporate information; and death records.

1 The Illinois Department shall enter into agreements with
2 State agencies and departments, and is authorized to enter
3 into agreements with federal agencies and departments, under
4 which such agencies and departments shall share data necessary
5 for medical assistance program integrity functions and
6 oversight. The Illinois Department shall develop, in
7 cooperation with other State departments and agencies, and in
8 compliance with applicable federal laws and regulations,
9 appropriate and effective methods to share such data. At a
10 minimum, and to the extent necessary to provide data sharing,
11 the Illinois Department shall enter into agreements with State
12 agencies and departments, and is authorized to enter into
13 agreements with federal agencies and departments, including,
14 but not limited to: the Secretary of State; the Department of
15 Revenue; the Department of Public Health; the Department of
16 Human Services; and the Department of Financial and
17 Professional Regulation.

18 Beginning in fiscal year 2013, the Illinois Department
19 shall set forth a request for information to identify the
20 benefits of a pre-payment, post-adjudication, and post-edit
21 claims system with the goals of streamlining claims processing
22 and provider reimbursement, reducing the number of pending or
23 rejected claims, and helping to ensure a more transparent
24 adjudication process through the utilization of: (i) provider
25 data verification and provider screening technology; and (ii)
26 clinical code editing; and (iii) pre-pay, pre-adjudicated, or

1 post-adjudicated predictive modeling with an integrated case
2 management system with link analysis. Such a request for
3 information shall not be considered as a request for proposal
4 or as an obligation on the part of the Illinois Department to
5 take any action or acquire any products or services.

6 The Illinois Department shall establish policies,
7 procedures, standards and criteria by rule for the
8 acquisition, repair and replacement of orthotic and prosthetic
9 devices and durable medical equipment. Such rules shall
10 provide, but not be limited to, the following services: (1)
11 immediate repair or replacement of such devices by recipients;
12 and (2) rental, lease, purchase or lease-purchase of durable
13 medical equipment in a cost-effective manner, taking into
14 consideration the recipient's medical prognosis, the extent of
15 the recipient's needs, and the requirements and costs for
16 maintaining such equipment. Subject to prior approval, such
17 rules shall enable a recipient to temporarily acquire and use
18 alternative or substitute devices or equipment pending repairs
19 or replacements of any device or equipment previously
20 authorized for such recipient by the Department.
21 Notwithstanding any provision of Section 5-5f to the contrary,
22 the Department may, by rule, exempt certain replacement
23 wheelchair parts from prior approval and, for wheelchairs,
24 wheelchair parts, wheelchair accessories, and related seating
25 and positioning items, determine the wholesale price by
26 methods other than actual acquisition costs.

1 The Department shall require, by rule, all providers of
2 durable medical equipment to be accredited by an accreditation
3 organization approved by the federal Centers for Medicare and
4 Medicaid Services and recognized by the Department in order to
5 bill the Department for providing durable medical equipment to
6 recipients. No later than 15 months after the effective date
7 of the rule adopted pursuant to this paragraph, all providers
8 must meet the accreditation requirement.

9 In order to promote environmental responsibility, meet the
10 needs of recipients and enrollees, and achieve significant
11 cost savings, the Department, or a managed care organization
12 under contract with the Department, may provide recipients or
13 managed care enrollees who have a prescription or Certificate
14 of Medical Necessity access to refurbished durable medical
15 equipment under this Section (excluding prosthetic and
16 orthotic devices as defined in the Orthotics, Prosthetics, and
17 Podiatric Practice Act and complex rehabilitation technology
18 products and associated services) through the State's
19 assistive technology program's reutilization program, using
20 staff with the Assistive Technology Professional (ATP)
21 Certification if the refurbished durable medical equipment:
22 (i) is available; (ii) is less expensive, including shipping
23 costs, than new durable medical equipment of the same type;
24 (iii) is able to withstand at least 3 years of use; (iv) is
25 cleaned, disinfected, sterilized, and safe in accordance with
26 federal Food and Drug Administration regulations and guidance

1 governing the reprocessing of medical devices in health care
2 settings; and (v) equally meets the needs of the recipient or
3 enrollee. The reutilization program shall confirm that the
4 recipient or enrollee is not already in receipt of the same or
5 similar equipment from another service provider, and that the
6 refurbished durable medical equipment equally meets the needs
7 of the recipient or enrollee. Nothing in this paragraph shall
8 be construed to limit recipient or enrollee choice to obtain
9 new durable medical equipment or place any additional prior
10 authorization conditions on enrollees of managed care
11 organizations.

12 The Department shall execute, relative to the nursing home
13 prescreening project, written inter-agency agreements with the
14 Department of Human Services and the Department on Aging, to
15 effect the following: (i) intake procedures and common
16 eligibility criteria for those persons who are receiving
17 non-institutional services; and (ii) the establishment and
18 development of non-institutional services in areas of the
19 State where they are not currently available or are
20 undeveloped; and (iii) notwithstanding any other provision of
21 law, subject to federal approval, on and after July 1, 2012, an
22 increase in the determination of need (DON) scores from 29 to
23 37 for applicants for institutional and home and
24 community-based long term care; if and only if federal
25 approval is not granted, the Department may, in conjunction
26 with other affected agencies, implement utilization controls

1 or changes in benefit packages to effectuate a similar savings
2 amount for this population; and (iv) no later than July 1,
3 2013, minimum level of care eligibility criteria for
4 institutional and home and community-based long term care; and
5 (v) no later than October 1, 2013, establish procedures to
6 permit long term care providers access to eligibility scores
7 for individuals with an admission date who are seeking or
8 receiving services from the long term care provider. In order
9 to select the minimum level of care eligibility criteria, the
10 Governor shall establish a workgroup that includes affected
11 agency representatives and stakeholders representing the
12 institutional and home and community-based long term care
13 interests. This Section shall not restrict the Department from
14 implementing lower level of care eligibility criteria for
15 community-based services in circumstances where federal
16 approval has been granted.

17 The Illinois Department shall develop and operate, in
18 cooperation with other State Departments and agencies and in
19 compliance with applicable federal laws and regulations,
20 appropriate and effective systems of health care evaluation
21 and programs for monitoring of utilization of health care
22 services and facilities, as it affects persons eligible for
23 medical assistance under this Code.

24 The Illinois Department shall report annually to the
25 General Assembly, no later than the second Friday in April of
26 1979 and each year thereafter, in regard to:

1 (a) actual statistics and trends in utilization of
2 medical services by public aid recipients;

3 (b) actual statistics and trends in the provision of
4 the various medical services by medical vendors;

5 (c) current rate structures and proposed changes in
6 those rate structures for the various medical vendors; and

7 (d) efforts at utilization review and control by the
8 Illinois Department.

9 The period covered by each report shall be the 3 years
10 ending on the June 30 prior to the report. The report shall
11 include suggested legislation for consideration by the General
12 Assembly. The requirement for reporting to the General
13 Assembly shall be satisfied by filing copies of the report as
14 required by Section 3.1 of the General Assembly Organization
15 Act, and filing such additional copies with the State
16 Government Report Distribution Center for the General Assembly
17 as is required under paragraph (t) of Section 7 of the State
18 Library Act.

19 Rulemaking authority to implement Public Act 95-1045, if
20 any, is conditioned on the rules being adopted in accordance
21 with all provisions of the Illinois Administrative Procedure
22 Act and all rules and procedures of the Joint Committee on
23 Administrative Rules; any purported rule not so adopted, for
24 whatever reason, is unauthorized.

25 On and after July 1, 2012, the Department shall reduce any
26 rate of reimbursement for services or other payments or alter

1 any methodologies authorized by this Code to reduce any rate
2 of reimbursement for services or other payments in accordance
3 with Section 5-5e.

4 Because kidney transplantation can be an appropriate,
5 cost-effective alternative to renal dialysis when medically
6 necessary and notwithstanding the provisions of Section 1-11
7 of this Code, beginning October 1, 2014, the Department shall
8 cover kidney transplantation for noncitizens with end-stage
9 renal disease who are not eligible for comprehensive medical
10 benefits, who meet the residency requirements of Section 5-3
11 of this Code, and who would otherwise meet the financial
12 requirements of the appropriate class of eligible persons
13 under Section 5-2 of this Code. To qualify for coverage of
14 kidney transplantation, such person must be receiving
15 emergency renal dialysis services covered by the Department.
16 Providers under this Section shall be prior approved and
17 certified by the Department to perform kidney transplantation
18 and the services under this Section shall be limited to
19 services associated with kidney transplantation.

20 Notwithstanding any other provision of this Code to the
21 contrary, on or after July 1, 2015, all FDA-approved ~~FDA~~
22 ~~approved~~ forms of medication assisted treatment prescribed for
23 the treatment of alcohol dependence or treatment of opioid
24 dependence shall be covered under both fee-for-service and
25 managed care medical assistance programs for persons who are
26 otherwise eligible for medical assistance under this Article

1 and shall not be subject to any (1) utilization control, other
2 than those established under the American Society of Addiction
3 Medicine patient placement criteria, (2) prior authorization
4 mandate, (3) lifetime restriction limit mandate, or (4)
5 limitations on dosage.

6 On or after July 1, 2015, opioid antagonists prescribed
7 for the treatment of an opioid overdose, including the
8 medication product, administration devices, and any pharmacy
9 fees or hospital fees related to the dispensing, distribution,
10 and administration of the opioid antagonist, shall be covered
11 under the medical assistance program for persons who are
12 otherwise eligible for medical assistance under this Article.
13 As used in this Section, "opioid antagonist" means a drug that
14 binds to opioid receptors and blocks or inhibits the effect of
15 opioids acting on those receptors, including, but not limited
16 to, naloxone hydrochloride or any other similarly acting drug
17 approved by the U.S. Food and Drug Administration. The
18 Department shall not impose a copayment on the coverage
19 provided for naloxone hydrochloride under the medical
20 assistance program.

21 Upon federal approval, the Department shall provide
22 coverage and reimbursement for all drugs that are approved for
23 marketing by the federal Food and Drug Administration and that
24 are recommended by the federal Public Health Service or the
25 United States Centers for Disease Control and Prevention for
26 pre-exposure prophylaxis and related pre-exposure prophylaxis

1 services, including, but not limited to, HIV and sexually
2 transmitted infection screening, treatment for sexually
3 transmitted infections, medical monitoring, assorted labs, and
4 counseling to reduce the likelihood of HIV infection among
5 individuals who are not infected with HIV but who are at high
6 risk of HIV infection.

7 A federally qualified health center, as defined in Section
8 1905(1)(2)(B) of the federal Social Security Act, shall be
9 reimbursed by the Department in accordance with the federally
10 qualified health center's encounter rate for services provided
11 to medical assistance recipients that are performed by a
12 dental hygienist, as defined under the Illinois Dental
13 Practice Act, working under the general supervision of a
14 dentist and employed by a federally qualified health center.

15 Within 90 days after October 8, 2021 (the effective date
16 of Public Act 102-665), the Department shall seek federal
17 approval of a State Plan amendment to expand coverage for
18 family planning services that includes presumptive eligibility
19 to individuals whose income is at or below 208% of the federal
20 poverty level. Coverage under this Section shall be effective
21 beginning no later than December 1, 2022.

22 Subject to approval by the federal Centers for Medicare
23 and Medicaid Services of a Title XIX State Plan amendment
24 electing the Program of All-Inclusive Care for the Elderly
25 (PACE) as a State Medicaid option, as provided for by Subtitle
26 I (commencing with Section 4801) of Title IV of the Balanced

1 Budget Act of 1997 (Public Law 105-33) and Part 460
2 (commencing with Section 460.2) of Subchapter E of Title 42 of
3 the Code of Federal Regulations, PACE program services shall
4 become a covered benefit of the medical assistance program,
5 subject to criteria established in accordance with all
6 applicable laws.

7 Notwithstanding any other provision of this Code,
8 community-based pediatric palliative care from a trained
9 interdisciplinary team shall be covered under the medical
10 assistance program as provided in Section 15 of the Pediatric
11 Palliative Care Act.

12 Notwithstanding any other provision of this Code, within
13 12 months after June 2, 2022 (the effective date of Public Act
14 102-1037) and subject to federal approval, acupuncture
15 services performed by an acupuncturist licensed under the
16 Acupuncture Practice Act who is acting within the scope of his
17 or her license shall be covered under the medical assistance
18 program. The Department shall apply for any federal waiver or
19 State Plan amendment, if required, to implement this
20 paragraph. The Department may adopt any rules, including
21 standards and criteria, necessary to implement this paragraph.

22 Notwithstanding any other provision of this Code, the
23 medical assistance program shall, subject to federal approval,
24 reimburse hospitals for costs associated with a newborn
25 screening test for the presence of metachromatic
26 leukodystrophy, as required under the Newborn Metabolic

1 Screening Act, at a rate not less than the fee charged by the
2 Department of Public Health. Notwithstanding any other
3 provision of this Code, the medical assistance program shall,
4 subject to appropriation and federal approval, also reimburse
5 hospitals for costs associated with all newborn screening
6 tests added on and after August 9, 2024 (the effective date of
7 Public Act 103-909) ~~this amendatory Act of the 103rd General~~
8 ~~Assembly~~ to the Newborn Metabolic Screening Act and required
9 to be performed under that Act at a rate not less than the fee
10 charged by the Department of Public Health. The Department
11 shall seek federal approval before the implementation of the
12 newborn screening test fees by the Department of Public
13 Health.

14 Notwithstanding any other provision of this Code,
15 beginning on January 1, 2024, subject to federal approval,
16 cognitive assessment and care planning services provided to a
17 person who experiences signs or symptoms of cognitive
18 impairment, as defined by the Diagnostic and Statistical
19 Manual of Mental Disorders, Fifth Edition, shall be covered
20 under the medical assistance program for persons who are
21 otherwise eligible for medical assistance under this Article.

22 Notwithstanding any other provision of this Code,
23 medically necessary reconstructive services that are intended
24 to restore physical appearance shall be covered under the
25 medical assistance program for persons who are otherwise
26 eligible for medical assistance under this Article. As used in

1 this paragraph, "reconstructive services" means treatments
2 performed on structures of the body damaged by trauma to
3 restore physical appearance.

4 (Source: P.A. 102-43, Article 30, Section 30-5, eff. 7-6-21;
5 102-43, Article 35, Section 35-5, eff. 7-6-21; 102-43, Article
6 55, Section 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123,
7 eff. 1-1-22; 102-558, eff. 8-20-21; 102-598, eff. 1-1-22;
8 102-655, eff. 1-1-22; 102-665, eff. 10-8-21; 102-813, eff.
9 5-13-22; 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22;
10 102-1038, eff. 1-1-23; 103-102, Article 15, Section 15-5, eff.
11 1-1-24; 103-102, Article 95, Section 95-15, eff. 1-1-24;
12 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-368, eff.
13 1-1-24; 103-593, Article 5, Section 5-5, eff. 6-7-24; 103-593,
14 Article 90, Section 90-5, eff. 6-7-24; 103-605, eff. 7-1-24;
15 103-909, eff. 8-9-24; 103-1040, eff. 8-9-24; revised
16 10-10-24.)

17 (Text of Section after amendment by P.A. 103-808)

18 Sec. 5-5. Medical services. The Illinois Department, by
19 rule, shall determine the quantity and quality of and the rate
20 of reimbursement for the medical assistance for which payment
21 will be authorized, and the medical services to be provided,
22 which may include all or part of the following: (1) inpatient
23 hospital services; (2) outpatient hospital services; (3) other
24 laboratory and X-ray services; (4) skilled nursing home
25 services; (5) physicians' services whether furnished in the

1 office, the patient's home, a hospital, a skilled nursing
2 home, or elsewhere; (6) medical care, or any other type of
3 remedial care furnished by licensed practitioners; (7) home
4 health care services; (8) private duty nursing service; (9)
5 clinic services; (10) dental services, including prevention
6 and treatment of periodontal disease and dental caries disease
7 for pregnant individuals, provided by an individual licensed
8 to practice dentistry or dental surgery; for purposes of this
9 item (10), "dental services" means diagnostic, preventive, or
10 corrective procedures provided by or under the supervision of
11 a dentist in the practice of his or her profession; (11)
12 physical therapy and related services; (12) prescribed drugs,
13 dentures, and prosthetic devices; and eyeglasses prescribed by
14 a physician skilled in the diseases of the eye, or by an
15 optometrist, whichever the person may select; (13) other
16 diagnostic, screening, preventive, and rehabilitative
17 services, including to ensure that the individual's need for
18 intervention or treatment of mental disorders or substance use
19 disorders or co-occurring mental health and substance use
20 disorders is determined using a uniform screening, assessment,
21 and evaluation process inclusive of criteria, for children and
22 adults; for purposes of this item (13), a uniform screening,
23 assessment, and evaluation process refers to a process that
24 includes an appropriate evaluation and, as warranted, a
25 referral; "uniform" does not mean the use of a singular
26 instrument, tool, or process that all must utilize; (14)

1 transportation and such other expenses as may be necessary;
2 (15) medical treatment of sexual assault survivors, as defined
3 in Section 1a of the Sexual Assault Survivors Emergency
4 Treatment Act, for injuries sustained as a result of the
5 sexual assault, including examinations and laboratory tests to
6 discover evidence which may be used in criminal proceedings
7 arising from the sexual assault; (16) the diagnosis and
8 treatment of sickle cell anemia; (16.5) services performed by
9 a chiropractic physician licensed under the Medical Practice
10 Act of 1987 and acting within the scope of his or her license,
11 including, but not limited to, chiropractic manipulative
12 treatment; and (17) any other medical care, and any other type
13 of remedial care recognized under the laws of this State. The
14 term "any other type of remedial care" shall include nursing
15 care and nursing home service for persons who rely on
16 treatment by spiritual means alone through prayer for healing.

17 Notwithstanding any other provision of this Section, a
18 comprehensive tobacco use cessation program that includes
19 purchasing prescription drugs or prescription medical devices
20 approved by the Food and Drug Administration shall be covered
21 under the medical assistance program under this Article for
22 persons who are otherwise eligible for assistance under this
23 Article.

24 Notwithstanding any other provision of this Code,
25 reproductive health care that is otherwise legal in Illinois
26 shall be covered under the medical assistance program for

1 persons who are otherwise eligible for medical assistance
2 under this Article.

3 Notwithstanding any other provision of this Section, all
4 tobacco cessation medications approved by the United States
5 Food and Drug Administration and all individual and group
6 tobacco cessation counseling services and telephone-based
7 counseling services and tobacco cessation medications provided
8 through the Illinois Tobacco Quitline shall be covered under
9 the medical assistance program for persons who are otherwise
10 eligible for assistance under this Article. The Department
11 shall comply with all federal requirements necessary to obtain
12 federal financial participation, as specified in 42 CFR
13 433.15(b)(7), for telephone-based counseling services provided
14 through the Illinois Tobacco Quitline, including, but not
15 limited to: (i) entering into a memorandum of understanding or
16 interagency agreement with the Department of Public Health, as
17 administrator of the Illinois Tobacco Quitline; and (ii)
18 developing a cost allocation plan for Medicaid-allowable
19 Illinois Tobacco Quitline services in accordance with 45 CFR
20 95.507. The Department shall submit the memorandum of
21 understanding or interagency agreement, the cost allocation
22 plan, and all other necessary documentation to the Centers for
23 Medicare and Medicaid Services for review and approval.
24 Coverage under this paragraph shall be contingent upon federal
25 approval.

26 Notwithstanding any other provision of this Code, the

1 Illinois Department may not require, as a condition of payment
2 for any laboratory test authorized under this Article, that a
3 physician's handwritten signature appear on the laboratory
4 test order form. The Illinois Department may, however, impose
5 other appropriate requirements regarding laboratory test order
6 documentation.

7 Upon receipt of federal approval of an amendment to the
8 Illinois Title XIX State Plan for this purpose, the Department
9 shall authorize the Chicago Public Schools (CPS) to procure a
10 vendor or vendors to manufacture eyeglasses for individuals
11 enrolled in a school within the CPS system. CPS shall ensure
12 that its vendor or vendors are enrolled as providers in the
13 medical assistance program and in any capitated Medicaid
14 managed care entity (MCE) serving individuals enrolled in a
15 school within the CPS system. Under any contract procured
16 under this provision, the vendor or vendors must serve only
17 individuals enrolled in a school within the CPS system. Claims
18 for services provided by CPS's vendor or vendors to recipients
19 of benefits in the medical assistance program under this Code,
20 the Children's Health Insurance Program, or the Covering ALL
21 KIDS Health Insurance Program shall be submitted to the
22 Department or the MCE in which the individual is enrolled for
23 payment and shall be reimbursed at the Department's or the
24 MCE's established rates or rate methodologies for eyeglasses.

25 On and after July 1, 2012, the Department of Healthcare
26 and Family Services may provide the following services to

1 persons eligible for assistance under this Article who are
2 participating in education, training or employment programs
3 operated by the Department of Human Services as successor to
4 the Department of Public Aid:

5 (1) dental services provided by or under the
6 supervision of a dentist; and

7 (2) eyeglasses prescribed by a physician skilled in
8 the diseases of the eye, or by an optometrist, whichever
9 the person may select.

10 On and after July 1, 2018, the Department of Healthcare
11 and Family Services shall provide dental services to any adult
12 who is otherwise eligible for assistance under the medical
13 assistance program. As used in this paragraph, "dental
14 services" means diagnostic, preventative, restorative, or
15 corrective procedures, including procedures and services for
16 the prevention and treatment of periodontal disease and dental
17 caries disease, provided by an individual who is licensed to
18 practice dentistry or dental surgery or who is under the
19 supervision of a dentist in the practice of his or her
20 profession.

21 On and after July 1, 2018, targeted dental services, as
22 set forth in Exhibit D of the Consent Decree entered by the
23 United States District Court for the Northern District of
24 Illinois, Eastern Division, in the matter of Memisovski v.
25 Maram, Case No. 92 C 1982, that are provided to adults under
26 the medical assistance program shall be established at no less

1 than the rates set forth in the "New Rate" column in Exhibit D
2 of the Consent Decree for targeted dental services that are
3 provided to persons under the age of 18 under the medical
4 assistance program.

5 Subject to federal approval, on and after January 1, 2025,
6 the rates paid for sedation evaluation and the provision of
7 deep sedation and intravenous sedation for the purpose of
8 dental services shall be increased by 33% above the rates in
9 effect on December 31, 2024. The rates paid for nitrous oxide
10 sedation shall not be impacted by this paragraph and shall
11 remain the same as the rates in effect on December 31, 2024.

12 Notwithstanding any other provision of this Code and
13 subject to federal approval, the Department may adopt rules to
14 allow a dentist who is volunteering his or her service at no
15 cost to render dental services through an enrolled
16 not-for-profit health clinic without the dentist personally
17 enrolling as a participating provider in the medical
18 assistance program. A not-for-profit health clinic shall
19 include a public health clinic or Federally Qualified Health
20 Center or other enrolled provider, as determined by the
21 Department, through which dental services covered under this
22 Section are performed. The Department shall establish a
23 process for payment of claims for reimbursement for covered
24 dental services rendered under this provision.

25 Subject to appropriation and to federal approval, the
26 Department shall file administrative rules updating the

1 Handicapping Labio-Lingual Deviation orthodontic scoring tool
2 by January 1, 2025, or as soon as practicable.

3 On and after January 1, 2022, the Department of Healthcare
4 and Family Services shall administer and regulate a
5 school-based dental program that allows for the out-of-office
6 delivery of preventative dental services in a school setting
7 to children under 19 years of age. The Department shall
8 establish, by rule, guidelines for participation by providers
9 and set requirements for follow-up referral care based on the
10 requirements established in the Dental Office Reference Manual
11 published by the Department that establishes the requirements
12 for dentists participating in the All Kids Dental School
13 Program. Every effort shall be made by the Department when
14 developing the program requirements to consider the different
15 geographic differences of both urban and rural areas of the
16 State for initial treatment and necessary follow-up care. No
17 provider shall be charged a fee by any unit of local government
18 to participate in the school-based dental program administered
19 by the Department. Nothing in this paragraph shall be
20 construed to limit or preempt a home rule unit's or school
21 district's authority to establish, change, or administer a
22 school-based dental program in addition to, or independent of,
23 the school-based dental program administered by the
24 Department.

25 The Illinois Department, by rule, may distinguish and
26 classify the medical services to be provided only in

1 accordance with the classes of persons designated in Section
2 5-2.

3 The Department of Healthcare and Family Services must
4 provide coverage and reimbursement for amino acid-based
5 elemental formulas, regardless of delivery method, for the
6 diagnosis and treatment of (i) eosinophilic disorders and (ii)
7 short bowel syndrome when the prescribing physician has issued
8 a written order stating that the amino acid-based elemental
9 formula is medically necessary.

10 The Illinois Department shall authorize the provision of,
11 and shall authorize payment for, screening by low-dose
12 mammography for the presence of occult breast cancer for
13 individuals 35 years of age or older who are eligible for
14 medical assistance under this Article, as follows:

15 (A) A baseline mammogram for individuals 35 to 39
16 years of age.

17 (B) An annual mammogram for individuals 40 years of
18 age or older.

19 (C) A mammogram at the age and intervals considered
20 medically necessary by the individual's health care
21 provider for individuals under 40 years of age and having
22 a family history of breast cancer, prior personal history
23 of breast cancer, positive genetic testing, or other risk
24 factors.

25 (D) A comprehensive ultrasound screening and MRI of an
26 entire breast or breasts if a mammogram demonstrates

1 heterogeneous or dense breast tissue or when medically
2 necessary as determined by a physician licensed to
3 practice medicine in all of its branches.

4 (E) A screening MRI when medically necessary, as
5 determined by a physician licensed to practice medicine in
6 all of its branches.

7 (F) A diagnostic mammogram when medically necessary,
8 as determined by a physician licensed to practice medicine
9 in all its branches, advanced practice registered nurse,
10 or physician assistant.

11 (G) Molecular breast imaging (MBI) and MRI of an
12 entire breast or breasts if a mammogram demonstrates
13 heterogeneous or dense breast tissue or when medically
14 necessary as determined by a physician licensed to
15 practice medicine in all of its branches, advanced
16 practice registered nurse, or physician assistant.

17 The Department shall not impose a deductible, coinsurance,
18 copayment, or any other cost-sharing requirement on the
19 coverage provided under this paragraph; except that this
20 sentence does not apply to coverage of diagnostic mammograms
21 to the extent such coverage would disqualify a high-deductible
22 health plan from eligibility for a health savings account
23 pursuant to Section 223 of the Internal Revenue Code (26
24 U.S.C. 223).

25 All screenings shall include a physical breast exam,
26 instruction on self-examination and information regarding the

1 frequency of self-examination and its value as a preventative
2 tool.

3 For purposes of this Section:

4 "Diagnostic mammogram" means a mammogram obtained using
5 diagnostic mammography.

6 "Diagnostic mammography" means a method of screening that
7 is designed to evaluate an abnormality in a breast, including
8 an abnormality seen or suspected on a screening mammogram or a
9 subjective or objective abnormality otherwise detected in the
10 breast.

11 "Low-dose mammography" means the x-ray examination of the
12 breast using equipment dedicated specifically for mammography,
13 including the x-ray tube, filter, compression device, and
14 image receptor, with an average radiation exposure delivery of
15 less than one rad per breast for 2 views of an average size
16 breast. The term also includes digital mammography and
17 includes breast tomosynthesis.

18 "Breast tomosynthesis" means a radiologic procedure that
19 involves the acquisition of projection images over the
20 stationary breast to produce cross-sectional digital
21 three-dimensional images of the breast.

22 If, at any time, the Secretary of the United States
23 Department of Health and Human Services, or its successor
24 agency, promulgates rules or regulations to be published in
25 the Federal Register or publishes a comment in the Federal
26 Register or issues an opinion, guidance, or other action that

1 would require the State, pursuant to any provision of the
2 Patient Protection and Affordable Care Act (Public Law
3 111-148), including, but not limited to, 42 U.S.C.
4 18031(d)(3)(B) or any successor provision, to defray the cost
5 of any coverage for breast tomosynthesis outlined in this
6 paragraph, then the requirement that an insurer cover breast
7 tomosynthesis is inoperative other than any such coverage
8 authorized under Section 1902 of the Social Security Act, 42
9 U.S.C. 1396a, and the State shall not assume any obligation
10 for the cost of coverage for breast tomosynthesis set forth in
11 this paragraph.

12 On and after January 1, 2016, the Department shall ensure
13 that all networks of care for adult clients of the Department
14 include access to at least one breast imaging Center of
15 Imaging Excellence as certified by the American College of
16 Radiology.

17 On and after January 1, 2012, providers participating in a
18 quality improvement program approved by the Department shall
19 be reimbursed for screening and diagnostic mammography at the
20 same rate as the Medicare program's rates, including the
21 increased reimbursement for digital mammography and, after
22 January 1, 2023 (the effective date of Public Act 102-1018),
23 breast tomosynthesis.

24 The Department shall convene an expert panel including
25 representatives of hospitals, free-standing mammography
26 facilities, and doctors, including radiologists, to establish

1 quality standards for mammography.

2 On and after January 1, 2017, providers participating in a
3 breast cancer treatment quality improvement program approved
4 by the Department shall be reimbursed for breast cancer
5 treatment at a rate that is no lower than 95% of the Medicare
6 program's rates for the data elements included in the breast
7 cancer treatment quality program.

8 The Department shall convene an expert panel, including
9 representatives of hospitals, free-standing breast cancer
10 treatment centers, breast cancer quality organizations, and
11 doctors, including radiologists that are trained in all forms
12 of FDA-approved ~~FDA-approved~~ breast imaging technologies,
13 breast surgeons, reconstructive breast surgeons, oncologists,
14 and primary care providers to establish quality standards for
15 breast cancer treatment.

16 Subject to federal approval, the Department shall
17 establish a rate methodology for mammography at federally
18 qualified health centers and other encounter-rate clinics.
19 These clinics or centers may also collaborate with other
20 hospital-based mammography facilities. By January 1, 2016, the
21 Department shall report to the General Assembly on the status
22 of the provision set forth in this paragraph.

23 The Department shall establish a methodology to remind
24 individuals who are age-appropriate for screening mammography,
25 but who have not received a mammogram within the previous 18
26 months, of the importance and benefit of screening

1 mammography. The Department shall work with experts in breast
2 cancer outreach and patient navigation to optimize these
3 reminders and shall establish a methodology for evaluating
4 their effectiveness and modifying the methodology based on the
5 evaluation.

6 The Department shall establish a performance goal for
7 primary care providers with respect to their female patients
8 over age 40 receiving an annual mammogram. This performance
9 goal shall be used to provide additional reimbursement in the
10 form of a quality performance bonus to primary care providers
11 who meet that goal.

12 The Department shall devise a means of case-managing or
13 patient navigation for beneficiaries diagnosed with breast
14 cancer. This program shall initially operate as a pilot
15 program in areas of the State with the highest incidence of
16 mortality related to breast cancer. At least one pilot program
17 site shall be in the metropolitan Chicago area and at least one
18 site shall be outside the metropolitan Chicago area. On or
19 after July 1, 2016, the pilot program shall be expanded to
20 include one site in western Illinois, one site in southern
21 Illinois, one site in central Illinois, and 4 sites within
22 metropolitan Chicago. An evaluation of the pilot program shall
23 be carried out measuring health outcomes and cost of care for
24 those served by the pilot program compared to similarly
25 situated patients who are not served by the pilot program.

26 The Department shall require all networks of care to

1 develop a means either internally or by contract with experts
2 in navigation and community outreach to navigate cancer
3 patients to comprehensive care in a timely fashion. The
4 Department shall require all networks of care to include
5 access for patients diagnosed with cancer to at least one
6 academic commission on cancer-accredited cancer program as an
7 in-network covered benefit.

8 The Department shall provide coverage and reimbursement
9 for a human papillomavirus (HPV) vaccine that is approved for
10 marketing by the federal Food and Drug Administration for all
11 persons between the ages of 9 and 45. Subject to federal
12 approval, the Department shall provide coverage and
13 reimbursement for a human papillomavirus (HPV) vaccine for
14 persons of the age of 46 and above who have been diagnosed with
15 cervical dysplasia with a high risk of recurrence or
16 progression. The Department shall disallow any
17 preauthorization requirements for the administration of the
18 human papillomavirus (HPV) vaccine.

19 On or after July 1, 2022, individuals who are otherwise
20 eligible for medical assistance under this Article shall
21 receive coverage for perinatal depression screenings for the
22 12-month period beginning on the last day of their pregnancy.
23 Medical assistance coverage under this paragraph shall be
24 conditioned on the use of a screening instrument approved by
25 the Department.

26 Any medical or health care provider shall immediately

1 recommend, to any pregnant individual who is being provided
2 prenatal services and is suspected of having a substance use
3 disorder as defined in the Substance Use Disorder Act,
4 referral to a local substance use disorder treatment program
5 licensed by the Department of Human Services or to a licensed
6 hospital which provides substance abuse treatment services.
7 The Department of Healthcare and Family Services shall assure
8 coverage for the cost of treatment of the drug abuse or
9 addiction for pregnant recipients in accordance with the
10 Illinois Medicaid Program in conjunction with the Department
11 of Human Services.

12 All medical providers providing medical assistance to
13 pregnant individuals under this Code shall receive information
14 from the Department on the availability of services under any
15 program providing case management services for addicted
16 individuals, including information on appropriate referrals
17 for other social services that may be needed by addicted
18 individuals in addition to treatment for addiction.

19 The Illinois Department, in cooperation with the
20 Departments of Human Services (as successor to the Department
21 of Alcoholism and Substance Abuse) and Public Health, through
22 a public awareness campaign, may provide information
23 concerning treatment for alcoholism and drug abuse and
24 addiction, prenatal health care, and other pertinent programs
25 directed at reducing the number of drug-affected infants born
26 to recipients of medical assistance.

1 Neither the Department of Healthcare and Family Services
2 nor the Department of Human Services shall sanction the
3 recipient solely on the basis of the recipient's substance
4 abuse.

5 The Illinois Department shall establish such regulations
6 governing the dispensing of health services under this Article
7 as it shall deem appropriate. The Department should seek the
8 advice of formal professional advisory committees appointed by
9 the Director of the Illinois Department for the purpose of
10 providing regular advice on policy and administrative matters,
11 information dissemination and educational activities for
12 medical and health care providers, and consistency in
13 procedures to the Illinois Department.

14 The Illinois Department may develop and contract with
15 Partnerships of medical providers to arrange medical services
16 for persons eligible under Section 5-2 of this Code.
17 Implementation of this Section may be by demonstration
18 projects in certain geographic areas. The Partnership shall be
19 represented by a sponsor organization. The Department, by
20 rule, shall develop qualifications for sponsors of
21 Partnerships. Nothing in this Section shall be construed to
22 require that the sponsor organization be a medical
23 organization.

24 The sponsor must negotiate formal written contracts with
25 medical providers for physician services, inpatient and
26 outpatient hospital care, home health services, treatment for

1 alcoholism and substance abuse, and other services determined
2 necessary by the Illinois Department by rule for delivery by
3 Partnerships. Physician services must include prenatal and
4 obstetrical care. The Illinois Department shall reimburse
5 medical services delivered by Partnership providers to clients
6 in target areas according to provisions of this Article and
7 the Illinois Health Finance Reform Act, except that:

8 (1) Physicians participating in a Partnership and
9 providing certain services, which shall be determined by
10 the Illinois Department, to persons in areas covered by
11 the Partnership may receive an additional surcharge for
12 such services.

13 (2) The Department may elect to consider and negotiate
14 financial incentives to encourage the development of
15 Partnerships and the efficient delivery of medical care.

16 (3) Persons receiving medical services through
17 Partnerships may receive medical and case management
18 services above the level usually offered through the
19 medical assistance program.

20 Medical providers shall be required to meet certain
21 qualifications to participate in Partnerships to ensure the
22 delivery of high quality medical services. These
23 qualifications shall be determined by rule of the Illinois
24 Department and may be higher than qualifications for
25 participation in the medical assistance program. Partnership
26 sponsors may prescribe reasonable additional qualifications

1 for participation by medical providers, only with the prior
2 written approval of the Illinois Department.

3 Nothing in this Section shall limit the free choice of
4 practitioners, hospitals, and other providers of medical
5 services by clients. In order to ensure patient freedom of
6 choice, the Illinois Department shall immediately promulgate
7 all rules and take all other necessary actions so that
8 provided services may be accessed from therapeutically
9 certified optometrists to the full extent of the Illinois
10 Optometric Practice Act of 1987 without discriminating between
11 service providers.

12 The Department shall apply for a waiver from the United
13 States Health Care Financing Administration to allow for the
14 implementation of Partnerships under this Section.

15 The Illinois Department shall require health care
16 providers to maintain records that document the medical care
17 and services provided to recipients of Medical Assistance
18 under this Article. Such records must be retained for a period
19 of not less than 6 years from the date of service or as
20 provided by applicable State law, whichever period is longer,
21 except that if an audit is initiated within the required
22 retention period then the records must be retained until the
23 audit is completed and every exception is resolved. The
24 Illinois Department shall require health care providers to
25 make available, when authorized by the patient, in writing,
26 the medical records in a timely fashion to other health care

1 providers who are treating or serving persons eligible for
2 Medical Assistance under this Article. All dispensers of
3 medical services shall be required to maintain and retain
4 business and professional records sufficient to fully and
5 accurately document the nature, scope, details and receipt of
6 the health care provided to persons eligible for medical
7 assistance under this Code, in accordance with regulations
8 promulgated by the Illinois Department. The rules and
9 regulations shall require that proof of the receipt of
10 prescription drugs, dentures, prosthetic devices and
11 eyeglasses by eligible persons under this Section accompany
12 each claim for reimbursement submitted by the dispenser of
13 such medical services. No such claims for reimbursement shall
14 be approved for payment by the Illinois Department without
15 such proof of receipt, unless the Illinois Department shall
16 have put into effect and shall be operating a system of
17 post-payment audit and review which shall, on a sampling
18 basis, be deemed adequate by the Illinois Department to assure
19 that such drugs, dentures, prosthetic devices and eyeglasses
20 for which payment is being made are actually being received by
21 eligible recipients. Within 90 days after September 16, 1984
22 (the effective date of Public Act 83-1439), the Illinois
23 Department shall establish a current list of acquisition costs
24 for all prosthetic devices and any other items recognized as
25 medical equipment and supplies reimbursable under this Article
26 and shall update such list on a quarterly basis, except that

1 the acquisition costs of all prescription drugs shall be
2 updated no less frequently than every 30 days as required by
3 Section 5-5.12.

4 Notwithstanding any other law to the contrary, the
5 Illinois Department shall, within 365 days after July 22, 2013
6 (the effective date of Public Act 98-104), establish
7 procedures to permit skilled care facilities licensed under
8 the Nursing Home Care Act to submit monthly billing claims for
9 reimbursement purposes. Following development of these
10 procedures, the Department shall, by July 1, 2016, test the
11 viability of the new system and implement any necessary
12 operational or structural changes to its information
13 technology platforms in order to allow for the direct
14 acceptance and payment of nursing home claims.

15 Notwithstanding any other law to the contrary, the
16 Illinois Department shall, within 365 days after August 15,
17 2014 (the effective date of Public Act 98-963), establish
18 procedures to permit ID/DD facilities licensed under the ID/DD
19 Community Care Act and MC/DD facilities licensed under the
20 MC/DD Act to submit monthly billing claims for reimbursement
21 purposes. Following development of these procedures, the
22 Department shall have an additional 365 days to test the
23 viability of the new system and to ensure that any necessary
24 operational or structural changes to its information
25 technology platforms are implemented.

26 The Illinois Department shall require all dispensers of

1 medical services, other than an individual practitioner or
2 group of practitioners, desiring to participate in the Medical
3 Assistance program established under this Article to disclose
4 all financial, beneficial, ownership, equity, surety or other
5 interests in any and all firms, corporations, partnerships,
6 associations, business enterprises, joint ventures, agencies,
7 institutions or other legal entities providing any form of
8 health care services in this State under this Article.

9 The Illinois Department may require that all dispensers of
10 medical services desiring to participate in the medical
11 assistance program established under this Article disclose,
12 under such terms and conditions as the Illinois Department may
13 by rule establish, all inquiries from clients and attorneys
14 regarding medical bills paid by the Illinois Department, which
15 inquiries could indicate potential existence of claims or
16 liens for the Illinois Department.

17 Enrollment of a vendor shall be subject to a provisional
18 period and shall be conditional for one year. During the
19 period of conditional enrollment, the Department may terminate
20 the vendor's eligibility to participate in, or may disenroll
21 the vendor from, the medical assistance program without cause.
22 Unless otherwise specified, such termination of eligibility or
23 disenrollment is not subject to the Department's hearing
24 process. However, a disenrolled vendor may reapply without
25 penalty.

26 The Department has the discretion to limit the conditional

1 enrollment period for vendors based upon the category of risk
2 of the vendor.

3 Prior to enrollment and during the conditional enrollment
4 period in the medical assistance program, all vendors shall be
5 subject to enhanced oversight, screening, and review based on
6 the risk of fraud, waste, and abuse that is posed by the
7 category of risk of the vendor. The Illinois Department shall
8 establish the procedures for oversight, screening, and review,
9 which may include, but need not be limited to: criminal and
10 financial background checks; fingerprinting; license,
11 certification, and authorization verifications; unscheduled or
12 unannounced site visits; database checks; prepayment audit
13 reviews; audits; payment caps; payment suspensions; and other
14 screening as required by federal or State law.

15 The Department shall define or specify the following: (i)
16 by provider notice, the "category of risk of the vendor" for
17 each type of vendor, which shall take into account the level of
18 screening applicable to a particular category of vendor under
19 federal law and regulations; (ii) by rule or provider notice,
20 the maximum length of the conditional enrollment period for
21 each category of risk of the vendor; and (iii) by rule, the
22 hearing rights, if any, afforded to a vendor in each category
23 of risk of the vendor that is terminated or disenrolled during
24 the conditional enrollment period.

25 To be eligible for payment consideration, a vendor's
26 payment claim or bill, either as an initial claim or as a

1 resubmitted claim following prior rejection, must be received
2 by the Illinois Department, or its fiscal intermediary, no
3 later than 180 days after the latest date on the claim on which
4 medical goods or services were provided, with the following
5 exceptions:

6 (1) In the case of a provider whose enrollment is in
7 process by the Illinois Department, the 180-day period
8 shall not begin until the date on the written notice from
9 the Illinois Department that the provider enrollment is
10 complete.

11 (2) In the case of errors attributable to the Illinois
12 Department or any of its claims processing intermediaries
13 which result in an inability to receive, process, or
14 adjudicate a claim, the 180-day period shall not begin
15 until the provider has been notified of the error.

16 (3) In the case of a provider for whom the Illinois
17 Department initiates the monthly billing process.

18 (4) In the case of a provider operated by a unit of
19 local government with a population exceeding 3,000,000
20 when local government funds finance federal participation
21 for claims payments.

22 For claims for services rendered during a period for which
23 a recipient received retroactive eligibility, claims must be
24 filed within 180 days after the Department determines the
25 applicant is eligible. For claims for which the Illinois
26 Department is not the primary payer, claims must be submitted

1 to the Illinois Department within 180 days after the final
2 adjudication by the primary payer.

3 In the case of long term care facilities, within 120
4 calendar days of receipt by the facility of required
5 prescreening information, new admissions with associated
6 admission documents shall be submitted through the Medical
7 Electronic Data Interchange (MEDI) or the Recipient
8 Eligibility Verification (REV) System or shall be submitted
9 directly to the Department of Human Services using required
10 admission forms. Effective September 1, 2014, admission
11 documents, including all prescreening information, must be
12 submitted through MEDI or REV. Confirmation numbers assigned
13 to an accepted transaction shall be retained by a facility to
14 verify timely submittal. Once an admission transaction has
15 been completed, all resubmitted claims following prior
16 rejection are subject to receipt no later than 180 days after
17 the admission transaction has been completed.

18 Claims that are not submitted and received in compliance
19 with the foregoing requirements shall not be eligible for
20 payment under the medical assistance program, and the State
21 shall have no liability for payment of those claims.

22 To the extent consistent with applicable information and
23 privacy, security, and disclosure laws, State and federal
24 agencies and departments shall provide the Illinois Department
25 access to confidential and other information and data
26 necessary to perform eligibility and payment verifications and

1 other Illinois Department functions. This includes, but is not
2 limited to: information pertaining to licensure;
3 certification; earnings; immigration status; citizenship; wage
4 reporting; unearned and earned income; pension income;
5 employment; supplemental security income; social security
6 numbers; National Provider Identifier (NPI) numbers; the
7 National Practitioner Data Bank (NPDB); program and agency
8 exclusions; taxpayer identification numbers; tax delinquency;
9 corporate information; and death records.

10 The Illinois Department shall enter into agreements with
11 State agencies and departments, and is authorized to enter
12 into agreements with federal agencies and departments, under
13 which such agencies and departments shall share data necessary
14 for medical assistance program integrity functions and
15 oversight. The Illinois Department shall develop, in
16 cooperation with other State departments and agencies, and in
17 compliance with applicable federal laws and regulations,
18 appropriate and effective methods to share such data. At a
19 minimum, and to the extent necessary to provide data sharing,
20 the Illinois Department shall enter into agreements with State
21 agencies and departments, and is authorized to enter into
22 agreements with federal agencies and departments, including,
23 but not limited to: the Secretary of State; the Department of
24 Revenue; the Department of Public Health; the Department of
25 Human Services; and the Department of Financial and
26 Professional Regulation.

1 Beginning in fiscal year 2013, the Illinois Department
2 shall set forth a request for information to identify the
3 benefits of a pre-payment, post-adjudication, and post-edit
4 claims system with the goals of streamlining claims processing
5 and provider reimbursement, reducing the number of pending or
6 rejected claims, and helping to ensure a more transparent
7 adjudication process through the utilization of: (i) provider
8 data verification and provider screening technology; and (ii)
9 clinical code editing; and (iii) pre-pay, pre-adjudicated, or
10 post-adjudicated predictive modeling with an integrated case
11 management system with link analysis. Such a request for
12 information shall not be considered as a request for proposal
13 or as an obligation on the part of the Illinois Department to
14 take any action or acquire any products or services.

15 The Illinois Department shall establish policies,
16 procedures, standards and criteria by rule for the
17 acquisition, repair and replacement of orthotic and prosthetic
18 devices and durable medical equipment. Such rules shall
19 provide, but not be limited to, the following services: (1)
20 immediate repair or replacement of such devices by recipients;
21 and (2) rental, lease, purchase or lease-purchase of durable
22 medical equipment in a cost-effective manner, taking into
23 consideration the recipient's medical prognosis, the extent of
24 the recipient's needs, and the requirements and costs for
25 maintaining such equipment. Subject to prior approval, such
26 rules shall enable a recipient to temporarily acquire and use

1 alternative or substitute devices or equipment pending repairs
2 or replacements of any device or equipment previously
3 authorized for such recipient by the Department.
4 Notwithstanding any provision of Section 5-5f to the contrary,
5 the Department may, by rule, exempt certain replacement
6 wheelchair parts from prior approval and, for wheelchairs,
7 wheelchair parts, wheelchair accessories, and related seating
8 and positioning items, determine the wholesale price by
9 methods other than actual acquisition costs.

10 The Department shall require, by rule, all providers of
11 durable medical equipment to be accredited by an accreditation
12 organization approved by the federal Centers for Medicare and
13 Medicaid Services and recognized by the Department in order to
14 bill the Department for providing durable medical equipment to
15 recipients. No later than 15 months after the effective date
16 of the rule adopted pursuant to this paragraph, all providers
17 must meet the accreditation requirement.

18 In order to promote environmental responsibility, meet the
19 needs of recipients and enrollees, and achieve significant
20 cost savings, the Department, or a managed care organization
21 under contract with the Department, may provide recipients or
22 managed care enrollees who have a prescription or Certificate
23 of Medical Necessity access to refurbished durable medical
24 equipment under this Section (excluding prosthetic and
25 orthotic devices as defined in the Orthotics, Prosthetics, and
26 Pedorthics Practice Act and complex rehabilitation technology

1 products and associated services) through the State's
2 assistive technology program's reutilization program, using
3 staff with the Assistive Technology Professional (ATP)
4 Certification if the refurbished durable medical equipment:
5 (i) is available; (ii) is less expensive, including shipping
6 costs, than new durable medical equipment of the same type;
7 (iii) is able to withstand at least 3 years of use; (iv) is
8 cleaned, disinfected, sterilized, and safe in accordance with
9 federal Food and Drug Administration regulations and guidance
10 governing the reprocessing of medical devices in health care
11 settings; and (v) equally meets the needs of the recipient or
12 enrollee. The reutilization program shall confirm that the
13 recipient or enrollee is not already in receipt of the same or
14 similar equipment from another service provider, and that the
15 refurbished durable medical equipment equally meets the needs
16 of the recipient or enrollee. Nothing in this paragraph shall
17 be construed to limit recipient or enrollee choice to obtain
18 new durable medical equipment or place any additional prior
19 authorization conditions on enrollees of managed care
20 organizations.

21 The Department shall execute, relative to the nursing home
22 prescreening project, written inter-agency agreements with the
23 Department of Human Services and the Department on Aging, to
24 effect the following: (i) intake procedures and common
25 eligibility criteria for those persons who are receiving
26 non-institutional services; and (ii) the establishment and

1 development of non-institutional services in areas of the
2 State where they are not currently available or are
3 undeveloped; and (iii) notwithstanding any other provision of
4 law, subject to federal approval, on and after July 1, 2012, an
5 increase in the determination of need (DON) scores from 29 to
6 37 for applicants for institutional and home and
7 community-based long term care; if and only if federal
8 approval is not granted, the Department may, in conjunction
9 with other affected agencies, implement utilization controls
10 or changes in benefit packages to effectuate a similar savings
11 amount for this population; and (iv) no later than July 1,
12 2013, minimum level of care eligibility criteria for
13 institutional and home and community-based long term care; and
14 (v) no later than October 1, 2013, establish procedures to
15 permit long term care providers access to eligibility scores
16 for individuals with an admission date who are seeking or
17 receiving services from the long term care provider. In order
18 to select the minimum level of care eligibility criteria, the
19 Governor shall establish a workgroup that includes affected
20 agency representatives and stakeholders representing the
21 institutional and home and community-based long term care
22 interests. This Section shall not restrict the Department from
23 implementing lower level of care eligibility criteria for
24 community-based services in circumstances where federal
25 approval has been granted.

26 The Illinois Department shall develop and operate, in

1 cooperation with other State Departments and agencies and in
2 compliance with applicable federal laws and regulations,
3 appropriate and effective systems of health care evaluation
4 and programs for monitoring of utilization of health care
5 services and facilities, as it affects persons eligible for
6 medical assistance under this Code.

7 The Illinois Department shall report annually to the
8 General Assembly, no later than the second Friday in April of
9 1979 and each year thereafter, in regard to:

10 (a) actual statistics and trends in utilization of
11 medical services by public aid recipients;

12 (b) actual statistics and trends in the provision of
13 the various medical services by medical vendors;

14 (c) current rate structures and proposed changes in
15 those rate structures for the various medical vendors; and

16 (d) efforts at utilization review and control by the
17 Illinois Department.

18 The period covered by each report shall be the 3 years
19 ending on the June 30 prior to the report. The report shall
20 include suggested legislation for consideration by the General
21 Assembly. The requirement for reporting to the General
22 Assembly shall be satisfied by filing copies of the report as
23 required by Section 3.1 of the General Assembly Organization
24 Act, and filing such additional copies with the State
25 Government Report Distribution Center for the General Assembly
26 as is required under paragraph (t) of Section 7 of the State

1 Library Act.

2 Rulemaking authority to implement Public Act 95-1045, if
3 any, is conditioned on the rules being adopted in accordance
4 with all provisions of the Illinois Administrative Procedure
5 Act and all rules and procedures of the Joint Committee on
6 Administrative Rules; any purported rule not so adopted, for
7 whatever reason, is unauthorized.

8 On and after July 1, 2012, the Department shall reduce any
9 rate of reimbursement for services or other payments or alter
10 any methodologies authorized by this Code to reduce any rate
11 of reimbursement for services or other payments in accordance
12 with Section 5-5e.

13 Because kidney transplantation can be an appropriate,
14 cost-effective alternative to renal dialysis when medically
15 necessary and notwithstanding the provisions of Section 1-11
16 of this Code, beginning October 1, 2014, the Department shall
17 cover kidney transplantation for noncitizens with end-stage
18 renal disease who are not eligible for comprehensive medical
19 benefits, who meet the residency requirements of Section 5-3
20 of this Code, and who would otherwise meet the financial
21 requirements of the appropriate class of eligible persons
22 under Section 5-2 of this Code. To qualify for coverage of
23 kidney transplantation, such person must be receiving
24 emergency renal dialysis services covered by the Department.
25 Providers under this Section shall be prior approved and
26 certified by the Department to perform kidney transplantation

1 and the services under this Section shall be limited to
2 services associated with kidney transplantation.

3 Notwithstanding any other provision of this Code to the
4 contrary, on or after July 1, 2015, all FDA-approved ~~FDA~~
5 ~~approved~~ forms of medication assisted treatment prescribed for
6 the treatment of alcohol dependence or treatment of opioid
7 dependence shall be covered under both fee-for-service and
8 managed care medical assistance programs for persons who are
9 otherwise eligible for medical assistance under this Article
10 and shall not be subject to any (1) utilization control, other
11 than those established under the American Society of Addiction
12 Medicine patient placement criteria, (2) prior authorization
13 mandate, (3) lifetime restriction limit mandate, or (4)
14 limitations on dosage.

15 On or after July 1, 2015, opioid antagonists prescribed
16 for the treatment of an opioid overdose, including the
17 medication product, administration devices, and any pharmacy
18 fees or hospital fees related to the dispensing, distribution,
19 and administration of the opioid antagonist, shall be covered
20 under the medical assistance program for persons who are
21 otherwise eligible for medical assistance under this Article.
22 As used in this Section, "opioid antagonist" means a drug that
23 binds to opioid receptors and blocks or inhibits the effect of
24 opioids acting on those receptors, including, but not limited
25 to, naloxone hydrochloride or any other similarly acting drug
26 approved by the U.S. Food and Drug Administration. The

1 Department shall not impose a copayment on the coverage
2 provided for naloxone hydrochloride under the medical
3 assistance program.

4 Upon federal approval, the Department shall provide
5 coverage and reimbursement for all drugs that are approved for
6 marketing by the federal Food and Drug Administration and that
7 are recommended by the federal Public Health Service or the
8 United States Centers for Disease Control and Prevention for
9 pre-exposure prophylaxis and related pre-exposure prophylaxis
10 services, including, but not limited to, HIV and sexually
11 transmitted infection screening, treatment for sexually
12 transmitted infections, medical monitoring, assorted labs, and
13 counseling to reduce the likelihood of HIV infection among
14 individuals who are not infected with HIV but who are at high
15 risk of HIV infection.

16 A federally qualified health center, as defined in Section
17 1905(1)(2)(B) of the federal Social Security Act, shall be
18 reimbursed by the Department in accordance with the federally
19 qualified health center's encounter rate for services provided
20 to medical assistance recipients that are performed by a
21 dental hygienist, as defined under the Illinois Dental
22 Practice Act, working under the general supervision of a
23 dentist and employed by a federally qualified health center.

24 Within 90 days after October 8, 2021 (the effective date
25 of Public Act 102-665), the Department shall seek federal
26 approval of a State Plan amendment to expand coverage for

1 family planning services that includes presumptive eligibility
2 to individuals whose income is at or below 208% of the federal
3 poverty level. Coverage under this Section shall be effective
4 beginning no later than December 1, 2022.

5 Subject to approval by the federal Centers for Medicare
6 and Medicaid Services of a Title XIX State Plan amendment
7 electing the Program of All-Inclusive Care for the Elderly
8 (PACE) as a State Medicaid option, as provided for by Subtitle
9 I (commencing with Section 4801) of Title IV of the Balanced
10 Budget Act of 1997 (Public Law 105-33) and Part 460
11 (commencing with Section 460.2) of Subchapter E of Title 42 of
12 the Code of Federal Regulations, PACE program services shall
13 become a covered benefit of the medical assistance program,
14 subject to criteria established in accordance with all
15 applicable laws.

16 Notwithstanding any other provision of this Code,
17 community-based pediatric palliative care from a trained
18 interdisciplinary team shall be covered under the medical
19 assistance program as provided in Section 15 of the Pediatric
20 Palliative Care Act.

21 Notwithstanding any other provision of this Code, within
22 12 months after June 2, 2022 (the effective date of Public Act
23 102-1037) and subject to federal approval, acupuncture
24 services performed by an acupuncturist licensed under the
25 Acupuncture Practice Act who is acting within the scope of his
26 or her license shall be covered under the medical assistance

1 program. The Department shall apply for any federal waiver or
2 State Plan amendment, if required, to implement this
3 paragraph. The Department may adopt any rules, including
4 standards and criteria, necessary to implement this paragraph.

5 Notwithstanding any other provision of this Code, the
6 medical assistance program shall, subject to federal approval,
7 reimburse hospitals for costs associated with a newborn
8 screening test for the presence of metachromatic
9 leukodystrophy, as required under the Newborn Metabolic
10 Screening Act, at a rate not less than the fee charged by the
11 Department of Public Health. Notwithstanding any other
12 provision of this Code, the medical assistance program shall,
13 subject to appropriation and federal approval, also reimburse
14 hospitals for costs associated with all newborn screening
15 tests added on and after August 9, 2024 (the effective date of
16 Public Act 103-909) ~~this amendatory Act of the 103rd General~~
17 ~~Assembly~~ to the Newborn Metabolic Screening Act and required
18 to be performed under that Act at a rate not less than the fee
19 charged by the Department of Public Health. The Department
20 shall seek federal approval before the implementation of the
21 newborn screening test fees by the Department of Public
22 Health.

23 Notwithstanding any other provision of this Code,
24 beginning on January 1, 2024, subject to federal approval,
25 cognitive assessment and care planning services provided to a
26 person who experiences signs or symptoms of cognitive

1 impairment, as defined by the Diagnostic and Statistical
2 Manual of Mental Disorders, Fifth Edition, shall be covered
3 under the medical assistance program for persons who are
4 otherwise eligible for medical assistance under this Article.

5 Notwithstanding any other provision of this Code,
6 medically necessary reconstructive services that are intended
7 to restore physical appearance shall be covered under the
8 medical assistance program for persons who are otherwise
9 eligible for medical assistance under this Article. As used in
10 this paragraph, "reconstructive services" means treatments
11 performed on structures of the body damaged by trauma to
12 restore physical appearance.

13 (Source: P.A. 102-43, Article 30, Section 30-5, eff. 7-6-21;
14 102-43, Article 35, Section 35-5, eff. 7-6-21; 102-43, Article
15 55, Section 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123,
16 eff. 1-1-22; 102-558, eff. 8-20-21; 102-598, eff. 1-1-22;
17 102-655, eff. 1-1-22; 102-665, eff. 10-8-21; 102-813, eff.
18 5-13-22; 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22;
19 102-1038, eff. 1-1-23; 103-102, Article 15, Section 15-5, eff.
20 1-1-24; 103-102, Article 95, Section 95-15, eff. 1-1-24;
21 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-368, eff.
22 1-1-24; 103-593, Article 5, Section 5-5, eff. 6-7-24; 103-593,
23 Article 90, Section 90-5, eff. 6-7-24; 103-605, eff. 7-1-24;
24 103-808, eff. 1-1-26; 103-909, eff. 8-9-24; 103-1040, eff.
25 8-9-24; revised 10-10-24.)

1 (305 ILCS 5/5-5.01a)

2 Sec. 5-5.01a. Supportive living facilities program.

3 (a) The Department shall establish and provide oversight
4 for a program of supportive living facilities that seek to
5 promote resident independence, dignity, respect, and
6 well-being in the most cost-effective manner.

7 A supportive living facility is (i) a free-standing
8 facility or (ii) a distinct physical and operational entity
9 within a mixed-use building that meets the criteria
10 established in subsection (d). A supportive living facility
11 integrates housing with health, personal care, and supportive
12 services and is a designated setting that offers residents
13 their own separate, private, and distinct living units.

14 Sites for the operation of the program shall be selected
15 by the Department based upon criteria that may include the
16 need for services in a geographic area, the availability of
17 funding, and the site's ability to meet the standards.

18 (b) Beginning July 1, 2014, subject to federal approval,
19 the Medicaid rates for supportive living facilities shall be
20 equal to the supportive living facility Medicaid rate
21 effective on June 30, 2014 increased by 8.85%. Once the
22 assessment imposed at Article V-G of this Code is determined
23 to be a permissible tax under Title XIX of the Social Security
24 Act, the Department shall increase the Medicaid rates for
25 supportive living facilities effective on July 1, 2014 by
26 9.09%. The Department shall apply this increase retroactively

1 to coincide with the imposition of the assessment in Article
2 V-G of this Code in accordance with the approval for federal
3 financial participation by the Centers for Medicare and
4 Medicaid Services.

5 The Medicaid rates for supportive living facilities
6 effective on July 1, 2017 must be equal to the rates in effect
7 for supportive living facilities on June 30, 2017 increased by
8 2.8%.

9 The Medicaid rates for supportive living facilities
10 effective on July 1, 2018 must be equal to the rates in effect
11 for supportive living facilities on June 30, 2018.

12 Subject to federal approval, the Medicaid rates for
13 supportive living services on and after July 1, 2019 must be at
14 least 54.3% of the average total nursing facility services per
15 diem for the geographic areas defined by the Department while
16 maintaining the rate differential for dementia care and must
17 be updated whenever the total nursing facility service per
18 diems are updated. Beginning July 1, 2022, upon the
19 implementation of the Patient Driven Payment Model, Medicaid
20 rates for supportive living services must be at least 54.3% of
21 the average total nursing services per diem rate for the
22 geographic areas. For purposes of this provision, the average
23 total nursing services per diem rate shall include all add-ons
24 for nursing facilities for the geographic area provided for in
25 Section 5-5.2. The rate differential for dementia care must be
26 maintained in these rates and the rates shall be updated

1 whenever nursing facility per diem rates are updated.

2 Subject to federal approval, beginning January 1, 2024,
3 the dementia care rate for supportive living services must be
4 no less than the non-dementia care supportive living services
5 rate multiplied by 1.5.

6 (b-5) Subject to federal approval, beginning January 1,
7 2025, Medicaid rates for supportive living services must be at
8 least 54.75% of the average total nursing services per diem
9 rate for the geographic areas defined by the Department and
10 shall include all add-ons for nursing facilities for the
11 geographic area provided for in Section 5-5.2.

12 (c) The Department may adopt rules to implement this
13 Section. Rules that establish or modify the services,
14 standards, and conditions for participation in the program
15 shall be adopted by the Department in consultation with the
16 Department on Aging, the Department of Rehabilitation
17 Services, and the Department of Mental Health and
18 Developmental Disabilities (or their successor agencies).

19 (d) Subject to federal approval by the Centers for
20 Medicare and Medicaid Services, the Department shall accept
21 for consideration of certification under the program any
22 application for a site or building where distinct parts of the
23 site or building are designated for purposes other than the
24 provision of supportive living services, but only if:

25 (1) those distinct parts of the site or building are
26 not designated for the purpose of providing assisted

1 living services as required under the Assisted Living and
2 Shared Housing Act;

3 (2) those distinct parts of the site or building are
4 completely separate from the part of the building used for
5 the provision of supportive living program services,
6 including separate entrances;

7 (3) those distinct parts of the site or building do
8 not share any common spaces with the part of the building
9 used for the provision of supportive living program
10 services; and

11 (4) those distinct parts of the site or building do
12 not share staffing with the part of the building used for
13 the provision of supportive living program services.

14 (e) Facilities or distinct parts of facilities which are
15 selected as supportive living facilities and are in good
16 standing with the Department's rules are exempt from the
17 provisions of the Nursing Home Care Act and the Illinois
18 Health Facilities Planning Act.

19 (f) Section 9817 of the American Rescue Plan Act of 2021
20 (Public Law 117-2) authorizes a 10% enhanced federal medical
21 assistance percentage for supportive living services for a
22 12-month period from April 1, 2021 through March 31, 2022.
23 Subject to federal approval, including the approval of any
24 necessary waiver amendments or other federally required
25 documents or assurances, for a 12-month period the Department
26 must pay a supplemental \$26 per diem rate to all supportive

1 living facilities with the additional federal financial
2 participation funds that result from the enhanced federal
3 medical assistance percentage from April 1, 2021 through March
4 31, 2022. The Department may issue parameters around how the
5 supplemental payment should be spent, including quality
6 improvement activities. The Department may alter the form,
7 methods, or timeframes concerning the supplemental per diem
8 rate to comply with any subsequent changes to federal law,
9 changes made by guidance issued by the federal Centers for
10 Medicare and Medicaid Services, or other changes necessary to
11 receive the enhanced federal medical assistance percentage.

12 (g) All applications for the expansion of supportive
13 living dementia care settings involving sites not approved by
14 the Department by January 1, 2024 ~~(Public Act 103-102)~~ may
15 allow new elderly non-dementia units in addition to new
16 dementia care units. The Department may approve such
17 applications only if the application has: (1) no more than one
18 non-dementia care unit for each dementia care unit and (2) the
19 site is not located within 4 miles of an existing supportive
20 living program site in Cook County (including the City of
21 Chicago), not located within 12 miles of an existing
22 supportive living program site in Alexander, Bond, Boone,
23 Calhoun, Champaign, Clinton, DeKalb, DuPage, Fulton, Grundy,
24 Henry, Jackson, Jersey, Johnson, Kane, Kankakee, Kendall,
25 Lake, Macon, Macoupin, Madison, Marshall, McHenry, McLean,
26 Menard, Mercer, Monroe, Peoria, Piatt, Rock Island, Sangamon,

1 Stark, St. Clair, Tazewell, Vermilion, Will, Williamson,
2 Winnebago, or Woodford counties, or not located within 25
3 miles of an existing supportive living program site in any
4 other county.

5 (h) Beginning January 1, 2025, subject to federal
6 approval, for a person who is a resident of a supportive living
7 facility under this Section, the monthly personal needs
8 allowance shall be \$120 per month.

9 (i) ~~(h)~~ As stated in the supportive living program home
10 and community-based service waiver approved by the federal
11 Centers for Medicare and Medicaid Services, and beginning July
12 1, 2025, the Department must maintain the rate add-on
13 implemented on January 1, 2023 for the provision of 2 meals per
14 day at no less than \$6.15 per day.

15 (j) ~~(f)~~ Subject to federal approval, the Department shall
16 allow a certified medication aide to administer medication in
17 a supportive living facility. For purposes of this subsection,
18 "certified medication aide" means a person who has met the
19 qualifications for certification under Section 79 of the
20 Assisted Living and Shared Housing Act and assists with
21 medication administration while under the supervision of a
22 registered professional nurse as authorized by Section 50-75
23 of the Nurse Practice Act. The Department may adopt rules to
24 implement this subsection.

25 (Source: P.A. 102-43, eff. 7-6-21; 102-699, eff. 4-19-22;
26 103-102, Article 20, Section 20-5, eff. 1-1-24; 103-102,

1 Article 100, Section 100-5, eff. 1-1-24; 103-593, Article 15,
2 Section 15-5, eff. 6-7-24; 103-593, Article 100, Section
3 100-5, eff. 6-7-24; 103-593, Article 165, Section 165-5, eff.
4 6-7-24; 103-605, eff. 7-1-24; 103-886, eff. 8-9-24; revised
5 10-8-24.)

6 (305 ILCS 5/5-5.24a)

7 Sec. 5-5.24a. Remote ultrasounds and remote fetal
8 nonstress tests; reimbursement.

9 (a) Subject to federal approval, for dates of service
10 beginning on and after January 1, 2025, the Department shall
11 reimburse for remote ultrasound procedures and remote fetal
12 nonstress tests when the patient is in a residence or other
13 off-site location from the patient's provider and the same
14 standard of care is met as would be present during an in-person
15 visit.

16 (b) Remote ultrasounds and remote fetal nonstress tests
17 are only eligible for reimbursement when the provider uses
18 digital technology:

19 (1) to collect medical and other forms of health data
20 from a patient and to electronically transmit that
21 information securely to a health care provider in a
22 different location for interpretation and recommendation;

23 (2) that is compliant with the federal Health
24 Insurance Portability and Accountability Act of 1996; and

25 (3) that is approved by the U.S. Food and Drug

1 Administration.

2 (c) A fetal nonstress test is only eligible for
3 reimbursement with a place of service modifier for at-home
4 monitoring with remote monitoring solutions that are cleared
5 by the U.S. Food and Drug Administration for on-label use for
6 monitoring fetal heart rate, maternal heart rate, and uterine
7 activity.

8 (d) The Department shall issue guidance to implement the
9 provisions of this Section.

10 (Source: P.A. 103-593, eff. 6-7-24.)

11 (305 ILCS 5/5-5.24b)

12 (This Section may contain text from a Public Act with a
13 delayed effective date)

14 Sec. 5-5.24b ~~5-5.24a~~. Coverage for at-home pregnancy
15 tests. Beginning January 1, 2025, the medical assistance
16 program shall provide coverage for at-home, urine-based
17 pregnancy tests that are ordered directly by a clinician or
18 furnished through a standing order for patient use, regardless
19 of whether the tests are otherwise available over the counter.
20 The coverage required under this Section is limited to a
21 multipack, as defined by the Department, of at-home,
22 urine-based pregnancy tests every 30 days.

23 (Source: P.A. 103-870, eff. 1-1-25; revised 10-2-24.)

24 (305 ILCS 5/5-5a.1)

1 Sec. 5-5a.1. Telehealth services for persons with
2 intellectual and developmental disabilities. The Department
3 shall file an amendment to the Home and Community-Based
4 Services Waiver Program for Adults with Developmental
5 Disabilities authorized under Section 1915(c) of the Social
6 Security Act to incorporate telehealth services administered
7 by a provider of telehealth services that demonstrates
8 knowledge and experience in providing medical and emergency
9 services for persons with intellectual and developmental
10 disabilities. For dates of service on and after January 1,
11 2025, the Department shall pay negotiated, agreed upon
12 administrative fees associated with implementing telehealth
13 services for persons with intellectual and developmental
14 disabilities who are receiving Community Integrated Living
15 Arrangement residential services under the Home and
16 Community-Based Services Waiver Program for Adults with
17 Developmental Disabilities. The implementation of telehealth
18 services shall not impede the choice of any individual
19 receiving waiver-funded services through the Home and
20 Community-Based Services Waiver Program for Adults with
21 Developmental Disabilities to receive in-person health care
22 services at any time. The Department shall ensure individuals
23 enrolled in the waiver, or their guardians, request to opt in
24 ~~opt in~~ to these services. For individuals who opt in, this
25 service shall be included in the individual's person-centered
26 plan. The use of telehealth services shall not be used for the

1 convenience of staff at any time nor shall it replace primary
2 care physician services.

3 (Source: P.A. 103-102, eff. 7-1-23; 103-593, eff. 6-7-24;
4 revised 10-23-24.)

5 (305 ILCS 5/5-16.8)

6 Sec. 5-16.8. Required health benefits. The medical
7 assistance program shall (i) provide the post-mastectomy care
8 benefits required to be covered by a policy of accident and
9 health insurance under Section 356t and the coverage required
10 under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6,
11 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46,
12 356z.47, 356z.51, 356z.53, 356z.59, 356z.60, 356z.61, 356z.64,
13 ~~and~~ 356z.67, ~~and~~ 356z.71, and 356z.75 of the Illinois
14 Insurance Code, (ii) be subject to the provisions of Sections
15 356z.19, 356z.44, 356z.49, 364.01, 370c, and 370c.1 of the
16 Illinois Insurance Code, and (iii) be subject to the
17 provisions of subsection (d-5) of Section 10 of the Network
18 Adequacy and Transparency Act.

19 The Department, by rule, shall adopt a model similar to
20 the requirements of Section 356z.39 of the Illinois Insurance
21 Code.

22 On and after July 1, 2012, the Department shall reduce any
23 rate of reimbursement for services or other payments or alter
24 any methodologies authorized by this Code to reduce any rate
25 of reimbursement for services or other payments in accordance

1 with Section 5-5e.

2 To ensure full access to the benefits set forth in this
3 Section, on and after January 1, 2016, the Department shall
4 ensure that provider and hospital reimbursement for
5 post-mastectomy care benefits required under this Section are
6 no lower than the Medicare reimbursement rate.

7 (Source: P.A. 102-30, eff. 1-1-22; 102-144, eff. 1-1-22;
8 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-530, eff.
9 1-1-22; 102-642, eff. 1-1-22; 102-804, eff. 1-1-23; 102-813,
10 eff. 5-13-22; 102-816, eff. 1-1-23; 102-1093, eff. 1-1-23;
11 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff.
12 1-1-24; 103-420, eff. 1-1-24; 103-605, eff. 7-1-24; 103-703,
13 eff. 1-1-25; 103-758, eff. 1-1-25; 103-1024, eff. 1-1-25;
14 revised 11-26-24.)

15 (305 ILCS 5/5-16.8a)

16 Sec. 5-16.8a. Rules concerning continuous glucose monitor
17 coverage. The Department shall adopt rules to implement the
18 changes made to Section 356z.59 of the Illinois Insurance
19 Code, as applied to the medical assistance program. The rules
20 shall, at a minimum, provide that:

21 (1) the ordering provider must be a physician licensed
22 under the Medical Practice Act of 1987 or a certified
23 nurse practitioner or physician assistant with a
24 collaborative agreement with the physician; the ordering
25 provider is not required to obtain continuing medical

1 education in order to prescribe a continuous glucose
2 monitor;

3 (2) continuous glucose monitors are not required to
4 have an alarm when glucose levels are outside the
5 predetermined ~~pre-determined~~ range; the capacity to
6 generate predictive alerts in case of impending
7 hypoglycemia; or the ability to transmit real-time glucose
8 values and alerts to the patient and designated other
9 persons;

10 (3) the beneficiary is not required to need intensive
11 insulin therapy;

12 (4) the beneficiary is not required to have a recent
13 history of emergency room visits or hospitalizations
14 related to hypoglycemia, hyperglycemia, or ketoacidosis;

15 (5) if the beneficiary has gestational diabetes, the
16 beneficiary is not required to have suboptimal glycemic
17 control that is likely to harm the beneficiary or the
18 fetus;

19 (6) if a beneficiary has diabetes mellitus and the
20 beneficiary does not meet the coverage requirements or if
21 the beneficiary is in a population in which continuous
22 glucose monitor usage has not been well-studied, requests
23 shall be reviewed, on a case-by-case basis, for medical
24 necessity and approved if appropriate; and

25 (7) prior authorization is required for a prescription
26 of a continuous glucose monitor; once a continuous glucose

1 monitor is prescribed, the prior authorization shall be
2 approved for a 12-month period.

3 (Source: P.A. 103-639, eff. 7-1-24; revised 10-23-24.)

4 (305 ILCS 5/5-30.1)

5 Sec. 5-30.1. Managed care protections.

6 (a) As used in this Section:

7 "Managed care organization" or "MCO" means any entity
8 which contracts with the Department to provide services where
9 payment for medical services is made on a capitated basis.

10 "Emergency services" means health care items and services,
11 including inpatient and outpatient hospital services,
12 furnished or required to evaluate and stabilize an emergency
13 medical condition. "Emergency services" include inpatient
14 stabilization services furnished during the inpatient
15 stabilization period. "Emergency services" do not include
16 post-stabilization medical services.

17 "Emergency medical condition" means a medical condition
18 manifesting itself by acute symptoms of sufficient severity,
19 regardless of the final diagnosis given, such that a prudent
20 layperson, who possesses an average knowledge of health and
21 medicine, could reasonably expect the absence of immediate
22 medical attention to result in:

23 (1) placing the health of the individual (or, with
24 respect to a pregnant woman, the health of the woman or her
25 unborn child) in serious jeopardy;

1 (2) serious impairment to bodily functions;

2 (3) serious dysfunction of any bodily organ or part;

3 (4) inadequately controlled pain; or

4 (5) with respect to a pregnant woman who is having
5 contractions:

6 (A) inadequate time to complete a safe transfer to
7 another hospital before delivery; or

8 (B) a transfer to another hospital may pose a
9 threat to the health or safety of the woman or unborn
10 child.

11 "Emergency medical screening examination" means a medical
12 screening examination and evaluation by a physician licensed
13 to practice medicine in all its branches or, to the extent
14 permitted by applicable laws, by other appropriately licensed
15 personnel under the supervision of or in collaboration with a
16 physician licensed to practice medicine in all its branches to
17 determine whether the need for emergency services exists.

18 "Health care services" mean any medical or behavioral
19 health services covered under the medical assistance program
20 that are subject to review under a service authorization
21 program.

22 "Inpatient stabilization period" means the initial 72
23 hours of inpatient stabilization services, beginning from the
24 date and time of the order for inpatient admission to the
25 hospital.

26 "Inpatient stabilization services" mean emergency services

1 furnished in the inpatient setting at a hospital pursuant to
2 an order for inpatient admission by a physician or other
3 qualified practitioner who has admitting privileges at the
4 hospital, as permitted by State law, to stabilize an emergency
5 medical condition following an emergency medical screening
6 examination.

7 "Post-stabilization medical services" means health care
8 services provided to an enrollee that are furnished in a
9 hospital by a provider that is qualified to furnish such
10 services and determined to be medically necessary by the
11 provider and directly related to the emergency medical
12 condition following stabilization.

13 "Provider" means a facility or individual who is actively
14 enrolled in the medical assistance program and licensed or
15 otherwise authorized to order, prescribe, refer, or render
16 health care services in this State.

17 "Service authorization determination" means a decision
18 made by a service authorization program in advance of,
19 concurrent to, or after the provision of a health care service
20 to approve, change the level of care, partially deny, deny, or
21 otherwise limit coverage and reimbursement for a health care
22 service upon review of a service authorization request.

23 "Service authorization program" means any utilization
24 review, utilization management, peer review, quality review,
25 or other medical management activity conducted by an MCO, or
26 its contracted utilization review organization, including, but

1 not limited to, prior authorization, prior approval,
2 pre-certification, concurrent review, retrospective review, or
3 certification of admission, of health care services provided
4 in the inpatient or outpatient hospital setting.

5 "Service authorization request" means a request by a
6 provider to a service authorization program to determine
7 whether a health care service meets the reimbursement
8 eligibility requirements for medically necessary, clinically
9 appropriate care, resulting in the issuance of a service
10 authorization determination.

11 "Utilization review organization" or "URO" means an MCO's
12 utilization review department or a peer review organization or
13 quality improvement organization that contracts with an MCO to
14 administer a service authorization program and make service
15 authorization determinations.

16 (b) As provided by Section 5-16.12, managed care
17 organizations are subject to the provisions of the Managed
18 Care Reform and Patient Rights Act.

19 (c) An MCO shall pay any provider of emergency services,
20 including for inpatient stabilization services provided during
21 the inpatient stabilization period, that does not have in
22 effect a contract with the contracted Medicaid MCO. The
23 default rate of reimbursement shall be the rate paid under
24 Illinois Medicaid fee-for-service program methodology,
25 including all policy adjusters, including but not limited to
26 Medicaid High Volume Adjustments, Medicaid Percentage

1 Adjustments, Outpatient High Volume Adjustments, and all
2 outlier add-on adjustments to the extent such adjustments are
3 incorporated in the development of the applicable MCO
4 capitated rates.

5 (d) (Blank).

6 (e) Notwithstanding any other provision of law, the
7 following requirements apply to MCOs in determining payment
8 for all emergency services, including inpatient stabilization
9 services provided during the inpatient stabilization period:

10 (1) The MCO shall not impose any service authorization
11 program requirements for emergency services, including,
12 but not limited to, prior authorization, prior approval,
13 pre-certification, certification of admission, concurrent
14 review, or retrospective review.

15 (A) Notification period: Hospitals shall notify
16 the enrollee's Medicaid MCO within 48 hours of the
17 date and time the order for inpatient admission is
18 written. Notification shall be limited to advising the
19 MCO that the patient has been admitted to a hospital
20 inpatient level of care.

21 (B) If the admitting hospital complies with the
22 notification provisions of subparagraph (A), the
23 Medicaid MCO may not initiate concurrent review before
24 the end of the inpatient stabilization period. If the
25 admitting hospital does not comply with the
26 notification requirements in subparagraph (A), the

1 Medicaid MCO may initiate concurrent review for the
2 continuation of the stay beginning at the end of the
3 48-hour notification period.

4 (C) Coverage for services provided during the
5 48-hour notification period may not be retrospectively
6 denied.

7 (2) The MCO shall cover emergency services provided to
8 enrollees who are temporarily away from their residence
9 and outside the contracting area to the extent that the
10 enrollees would be entitled to the emergency services if
11 they still were within the contracting area.

12 (3) The MCO shall have no obligation to cover
13 emergency services provided on an emergency basis that are
14 not covered services under the contract between the MCO
15 and the Department.

16 (4) The MCO shall not condition coverage for emergency
17 services on the treating provider notifying the MCO of the
18 enrollee's emergency medical screening examination and
19 treatment within 10 days after presentation for emergency
20 services.

21 (5) The determination of the attending emergency
22 physician, or the practitioner responsible for the
23 enrollee's care at the hospital, of whether an enrollee
24 requires inpatient stabilization services, can be
25 stabilized in the outpatient setting, or is sufficiently
26 stabilized for discharge or transfer to another setting,

1 shall be binding on the MCO. The MCO shall cover and
2 reimburse providers for emergency services as billed by
3 the provider for all enrollees whether the emergency
4 services are provided by an affiliated or non-affiliated
5 provider, except in cases of fraud. The MCO shall
6 reimburse inpatient stabilization services provided during
7 the inpatient stabilization period and billed as inpatient
8 level of care based on the appropriate inpatient
9 reimbursement methodology.

10 (6) The MCO's financial responsibility for
11 post-stabilization medical services it has not
12 pre-approved ends when:

13 (A) a plan physician with privileges at the
14 treating hospital assumes responsibility for the
15 enrollee's care;

16 (B) a plan physician assumes responsibility for
17 the enrollee's care through transfer;

18 (C) a contracting entity representative and the
19 treating physician reach an agreement concerning the
20 enrollee's care; or

21 (D) the enrollee is discharged.

22 (e-5) An MCO shall pay for all post-stabilization medical
23 services as a covered service in any of the following
24 situations:

25 (1) the MCO or its URO authorized such services;

26 (2) such services were administered to maintain the

1 enrollee's stabilized condition within one hour after a
2 request to the MCO for authorization of further
3 post-stabilization services;

4 (3) the MCO or its URO did not respond to a request to
5 authorize such services within one hour;

6 (4) the MCO or its URO could not be contacted; or

7 (5) the MCO or its URO and the treating provider, if
8 the treating provider is a non-affiliated provider, could
9 not reach an agreement concerning the enrollee's care and
10 an affiliated provider was unavailable for a consultation,
11 in which case the MCO must pay for such services rendered
12 by the treating non-affiliated provider until an
13 affiliated provider was reached and either concurred with
14 the treating non-affiliated provider's plan of care or
15 assumed responsibility for the enrollee's care. Such
16 payment shall be made at the default rate of reimbursement
17 paid under the State's Medicaid fee-for-service program
18 methodology, including all policy adjusters, including,
19 but not limited to, Medicaid High Volume Adjustments,
20 Medicaid Percentage Adjustments, Outpatient High Volume
21 Adjustments, and all outlier add-on adjustments to the
22 extent that such adjustments are incorporated in the
23 development of the applicable MCO capitated rates.

24 (f) Network adequacy and transparency.

25 (1) The Department shall:

26 (A) ensure that an adequate provider network is in

1 place, taking into consideration health professional
2 shortage areas and medically underserved areas;

3 (B) publicly release an explanation of its process
4 for analyzing network adequacy;

5 (C) periodically ensure that an MCO continues to
6 have an adequate network in place;

7 (D) require MCOs, including Medicaid Managed Care
8 Entities as defined in Section 5-30.2, to meet
9 provider directory requirements under Section 5-30.3;

10 (E) require MCOs to ensure that any
11 Medicaid-certified provider under contract with an MCO
12 and previously submitted on a roster on the date of
13 service is paid for any medically necessary,
14 Medicaid-covered, and authorized service rendered to
15 any of the MCO's enrollees, regardless of inclusion on
16 the MCO's published and publicly available directory
17 of available providers; and

18 (F) require MCOs, including Medicaid Managed Care
19 Entities as defined in Section 5-30.2, to meet each of
20 the requirements under subsection (d-5) of Section 10
21 of the Network Adequacy and Transparency Act; with
22 necessary exceptions to the MCO's network to ensure
23 that admission and treatment with a provider or at a
24 treatment facility in accordance with the network
25 adequacy standards in paragraph (3) of subsection
26 (d-5) of Section 10 of the Network Adequacy and

1 Transparency Act is limited to providers or facilities
2 that are Medicaid certified.

3 (2) Each MCO shall confirm its receipt of information
4 submitted specific to physician or dentist additions or
5 physician or dentist deletions from the MCO's provider
6 network within 3 days after receiving all required
7 information from contracted physicians or dentists, and
8 electronic physician and dental directories must be
9 updated consistent with current rules as published by the
10 Centers for Medicare and Medicaid Services or its
11 successor agency.

12 (g) Timely payment of claims.

13 (1) The MCO shall pay a claim within 30 days of
14 receiving a claim that contains all the essential
15 information needed to adjudicate the claim.

16 (2) The MCO shall notify the billing party of its
17 inability to adjudicate a claim within 30 days of
18 receiving that claim.

19 (3) The MCO shall pay a penalty that is at least equal
20 to the timely payment interest penalty imposed under
21 Section 368a of the Illinois Insurance Code for any claims
22 not timely paid.

23 (A) When an MCO is required to pay a timely payment
24 interest penalty to a provider, the MCO must calculate
25 and pay the timely payment interest penalty that is
26 due to the provider within 30 days after the payment of

1 the claim. In no event shall a provider be required to
2 request or apply for payment of any owed timely
3 payment interest penalties.

4 (B) Such payments shall be reported separately
5 from the claim payment for services rendered to the
6 MCO's enrollee and clearly identified as interest
7 payments.

8 (4) (A) The Department shall require MCOs to expedite
9 payments to providers identified on the Department's
10 expedited provider list, determined in accordance with 89
11 Ill. Adm. Code 140.71(b), on a schedule at least as
12 frequently as the providers are paid under the
13 Department's fee-for-service expedited provider schedule.

14 (B) Compliance with the expedited provider requirement
15 may be satisfied by an MCO through the use of a Periodic
16 Interim Payment (PIP) program that has been mutually
17 agreed to and documented between the MCO and the provider,
18 if the PIP program ensures that any expedited provider
19 receives regular and periodic payments based on prior
20 period payment experience from that MCO. Total payments
21 under the PIP program may be reconciled against future PIP
22 payments on a schedule mutually agreed to between the MCO
23 and the provider.

24 (C) The Department shall share at least monthly its
25 expedited provider list and the frequency with which it
26 pays providers on the expedited list.

1 (g-5) Recognizing that the rapid transformation of the
2 Illinois Medicaid program may have unintended operational
3 challenges for both payers and providers:

4 (1) in no instance shall a medically necessary covered
5 service rendered in good faith, based upon eligibility
6 information documented by the provider, be denied coverage
7 or diminished in payment amount if the eligibility or
8 coverage information available at the time the service was
9 rendered is later found to be inaccurate in the assignment
10 of coverage responsibility between MCOs or the
11 fee-for-service system, except for instances when an
12 individual is deemed to have not been eligible for
13 coverage under the Illinois Medicaid program; and

14 (2) the Department shall, by December 31, 2016, adopt
15 rules establishing policies that shall be included in the
16 Medicaid managed care policy and procedures manual
17 addressing payment resolutions in situations in which a
18 provider renders services based upon information obtained
19 after verifying a patient's eligibility and coverage plan
20 through either the Department's current enrollment system
21 or a system operated by the coverage plan identified by
22 the patient presenting for services:

23 (A) such medically necessary covered services
24 shall be considered rendered in good faith;

25 (B) such policies and procedures shall be
26 developed in consultation with industry

1 representatives of the Medicaid managed care health
2 plans and representatives of provider associations
3 representing the majority of providers within the
4 identified provider industry; and

5 (C) such rules shall be published for a review and
6 comment period of no less than 30 days on the
7 Department's website with final rules remaining
8 available on the Department's website.

9 The rules on payment resolutions shall include, but
10 not be limited to:

11 (A) the extension of the timely filing period;

12 (B) retroactive prior authorizations; and

13 (C) guaranteed minimum payment rate of no less
14 than the current, as of the date of service,
15 fee-for-service rate, plus all applicable add-ons,
16 when the resulting service relationship is out of
17 network.

18 The rules shall be applicable for both MCO coverage
19 and fee-for-service coverage.

20 If the fee-for-service system is ultimately determined to
21 have been responsible for coverage on the date of service, the
22 Department shall provide for an extended period for claims
23 submission outside the standard timely filing requirements.

24 (g-6) MCO Performance Metrics Report.

25 (1) The Department shall publish, on at least a
26 quarterly basis, each MCO's operational performance,

1 including, but not limited to, the following categories of
2 metrics:

3 (A) claims payment, including timeliness and
4 accuracy;

5 (B) prior authorizations;

6 (C) grievance and appeals;

7 (D) utilization statistics;

8 (E) provider disputes;

9 (F) provider credentialing; and

10 (G) member and provider customer service.

11 (2) The Department shall ensure that the metrics
12 report is accessible to providers online by January 1,
13 2017.

14 (3) The metrics shall be developed in consultation
15 with industry representatives of the Medicaid managed care
16 health plans and representatives of associations
17 representing the majority of providers within the
18 identified industry.

19 (4) Metrics shall be defined and incorporated into the
20 applicable Managed Care Policy Manual issued by the
21 Department.

22 (g-7) MCO claims processing and performance analysis. In
23 order to monitor MCO payments to hospital providers, pursuant
24 to Public Act 100-580, the Department shall post an analysis
25 of MCO claims processing and payment performance on its
26 website every 6 months. Such analysis shall include a review

1 and evaluation of a representative sample of hospital claims
2 that are rejected and denied for clean and unclean claims and
3 the top 5 reasons for such actions and timeliness of claims
4 adjudication, which identifies the percentage of claims
5 adjudicated within 30, 60, 90, and over 90 days, and the dollar
6 amounts associated with those claims.

7 (g-8) Dispute resolution process. The Department shall
8 maintain a provider complaint portal through which a provider
9 can submit to the Department unresolved disputes with an MCO.
10 An unresolved dispute means an MCO's decision that denies in
11 whole or in part a claim for reimbursement to a provider for
12 health care services rendered by the provider to an enrollee
13 of the MCO with which the provider disagrees. Disputes shall
14 not be submitted to the portal until the provider has availed
15 itself of the MCO's internal dispute resolution process.
16 Disputes that are submitted to the MCO internal dispute
17 resolution process may be submitted to the Department of
18 Healthcare and Family Services' complaint portal no sooner
19 than 30 days after submitting to the MCO's internal process
20 and not later than 30 days after the unsatisfactory resolution
21 of the internal MCO process or 60 days after submitting the
22 dispute to the MCO internal process. Multiple claim disputes
23 involving the same MCO may be submitted in one complaint,
24 regardless of whether the claims are for different enrollees,
25 when the specific reason for non-payment of the claims
26 involves a common question of fact or policy. Within 10

1 business days of receipt of a complaint, the Department shall
2 present such disputes to the appropriate MCO, which shall then
3 have 30 days to issue its written proposal to resolve the
4 dispute. The Department may grant one 30-day extension of this
5 time frame to one of the parties to resolve the dispute. If the
6 dispute remains unresolved at the end of this time frame or the
7 provider is not satisfied with the MCO's written proposal to
8 resolve the dispute, the provider may, within 30 days, request
9 the Department to review the dispute and make a final
10 determination. Within 30 days of the request for Department
11 review of the dispute, both the provider and the MCO shall
12 present all relevant information to the Department for
13 resolution and make individuals with knowledge of the issues
14 available to the Department for further inquiry if needed.
15 Within 30 days of receiving the relevant information on the
16 dispute, or the lapse of the period for submitting such
17 information, the Department shall issue a written decision on
18 the dispute based on contractual terms between the provider
19 and the MCO, contractual terms between the MCO and the
20 Department of Healthcare and Family Services and applicable
21 Medicaid policy. The decision of the Department shall be
22 final. By January 1, 2020, the Department shall establish by
23 rule further details of this dispute resolution process.
24 Disputes between MCOs and providers presented to the
25 Department for resolution are not contested cases, as defined
26 in Section 1-30 of the Illinois Administrative Procedure Act,

1 conferring any right to an administrative hearing.

2 (g-9)(1) The Department shall publish annually on its
3 website a report on the calculation of each managed care
4 organization's medical loss ratio showing the following:

5 (A) Premium revenue, with appropriate adjustments.

6 (B) Benefit expense, setting forth the aggregate
7 amount spent for the following:

8 (i) Direct paid claims.

9 (ii) Subcapitation payments.

10 (iii) Other claim payments.

11 (iv) Direct reserves.

12 (v) Gross recoveries.

13 (vi) Expenses for activities that improve health
14 care quality as allowed by the Department.

15 (2) The medical loss ratio shall be calculated consistent
16 with federal law and regulation following a claims runout
17 period determined by the Department.

18 (g-10)(1) "Liability effective date" means the date on
19 which an MCO becomes responsible for payment for medically
20 necessary and covered services rendered by a provider to one
21 of its enrollees in accordance with the contract terms between
22 the MCO and the provider. The liability effective date shall
23 be the later of:

24 (A) The execution date of a network participation
25 contract agreement.

26 (B) The date the provider or its representative

1 submits to the MCO the complete and accurate standardized
2 roster form for the provider in the format approved by the
3 Department.

4 (C) The provider effective date contained within the
5 Department's provider enrollment subsystem within the
6 Illinois Medicaid Program Advanced Cloud Technology
7 (IMPACT) System.

8 (2) The standardized roster form may be submitted to the
9 MCO at the same time that the provider submits an enrollment
10 application to the Department through IMPACT.

11 (3) By October 1, 2019, the Department shall require all
12 MCOs to update their provider directory with information for
13 new practitioners of existing contracted providers within 30
14 days of receipt of a complete and accurate standardized roster
15 template in the format approved by the Department provided
16 that the provider is effective in the Department's provider
17 enrollment subsystem within the IMPACT system. Such provider
18 directory shall be readily accessible for purposes of
19 selecting an approved health care provider and comply with all
20 other federal and State requirements.

21 (g-11) The Department shall work with relevant
22 stakeholders on the development of operational guidelines to
23 enhance and improve operational performance of Illinois'
24 Medicaid managed care program, including, but not limited to,
25 improving provider billing practices, reducing claim
26 rejections and inappropriate payment denials, and

1 standardizing processes, procedures, definitions, and response
2 timelines, with the goal of reducing provider and MCO
3 administrative burdens and conflict. The Department shall
4 include a report on the progress of these program improvements
5 and other topics in its Fiscal Year 2020 annual report to the
6 General Assembly.

7 (g-12) Notwithstanding any other provision of law, if the
8 Department or an MCO requires submission of a claim for
9 payment in a non-electronic format, a provider shall always be
10 afforded a period of no less than 90 business days, as a
11 correction period, following any notification of rejection by
12 either the Department or the MCO to correct errors or
13 omissions in the original submission.

14 Under no circumstances, either by an MCO or under the
15 State's fee-for-service system, shall a provider be denied
16 payment for failure to comply with any timely submission
17 requirements under this Code or under any existing contract,
18 unless the non-electronic format claim submission occurs after
19 the initial 180 days following the latest date of service on
20 the claim, or after the 90 business days correction period
21 following notification to the provider of rejection or denial
22 of payment.

23 (g-13) Utilization Review Standardization and
24 Transparency.

25 (1) To ensure greater standardization and transparency
26 related to service authorization determinations, for all

1 individuals covered under the medical assistance program,
2 including both the fee-for-service and managed care
3 programs, the Department shall, in consultation with the
4 MCOs, a statewide association representing the MCOs, a
5 statewide association representing the majority of
6 Illinois hospitals, a statewide association representing
7 physicians, or any other interested parties deemed
8 appropriate by the Department, adopt administrative rules
9 consistent with this subsection, in accordance with the
10 Illinois Administrative Procedure Act.

11 (2) Prior to July 1, 2025, the Department shall in
12 accordance with the Illinois Administrative Procedure Act
13 adopt rules which govern MCO practices for dates of
14 services on and after July 1, 2025, as follows:

15 (A) guidelines related to the publication of MCO
16 authorization policies;

17 (B) procedures that, due to medical complexity,
18 must be reimbursed under the applicable inpatient
19 methodology, when provided in the inpatient setting
20 and billed as an inpatient service;

21 (C) standardization of administrative forms used
22 in the member appeal process;

23 (D) limitations on second or subsequent medical
24 necessity review of a health care service already
25 authorized by the MCO or URO under a service
26 authorization program;

1 (E) standardization of peer-to-peer processes and
2 timelines;

3 (F) defined criteria for urgent and standard
4 post-acute care service authorization requests; and

5 (G) standardized criteria for service
6 authorization programs for authorization of admission
7 to a long-term acute care hospital.

8 (3) The Department shall expand the scope of the
9 quality and compliance audits conducted by its contracted
10 external quality review organization to include, but not
11 be limited to:

12 (A) an analysis of the Medicaid MCO's compliance
13 with nationally recognized clinical decision
14 guidelines;

15 (B) an analysis that compares and contrasts the
16 Medicaid MCO's service authorization determination
17 outcomes to the outcomes of each other MCO plan and the
18 State's fee-for-service program model to evaluate
19 whether service authorization determinations are being
20 made consistently by all Medicaid MCOs to ensure that
21 all individuals are being treated in accordance with
22 equitable standards of care;

23 (C) an analysis, for each Medicaid MCO, of the
24 number of service authorization requests, including
25 requests for concurrent review and certification of
26 admissions, received, initially denied, overturned

1 through any post-denial process including, but not
2 limited to, enrollee or provider appeal, peer-to-peer
3 review, or the provider dispute resolution process,
4 denied but approved for a lower or different level of
5 care, and the number denied on final determination;
6 and

7 (D) provide a written report to the General
8 Assembly, detailing the items listed in this
9 subsection and any other metrics deemed necessary by
10 the Department, by the second April, following June 7,
11 2024 (the effective date of Public Act 103-593) ~~this~~
12 ~~amendatory Act of the 103rd General Assembly~~, and each
13 April thereafter. The Department shall make this
14 report available within 30 days of delivery to the
15 General Assembly, on its public facing website.

16 (h) The Department shall not expand mandatory MCO
17 enrollment into new counties beyond those counties already
18 designated by the Department as of June 1, 2014 for the
19 individuals whose eligibility for medical assistance is not
20 the seniors or people with disabilities population until the
21 Department provides an opportunity for accountable care
22 entities and MCOs to participate in such newly designated
23 counties.

24 (h-5) Leading indicator data sharing. By January 1, 2024,
25 the Department shall obtain input from the Department of Human
26 Services, the Department of Juvenile Justice, the Department

1 of Children and Family Services, the State Board of Education,
2 managed care organizations, providers, and clinical experts to
3 identify and analyze key indicators and data elements that can
4 be used in an analysis of lead indicators from assessments and
5 data sets available to the Department that can be shared with
6 managed care organizations and similar care coordination
7 entities contracted with the Department as leading indicators
8 for elevated behavioral health crisis risk for children,
9 including data sets such as the Illinois Medicaid
10 Comprehensive Assessment of Needs and Strengths (IM-CANS),
11 calls made to the State's Crisis and Referral Entry Services
12 (CARES) hotline, health services information from Health and
13 Human Services Innovators, or other data sets that may include
14 key indicators. The workgroup shall complete its
15 recommendations for leading indicator data elements on or
16 before September 1, 2024. To the extent permitted by State and
17 federal law, the identified leading indicators shall be shared
18 with managed care organizations and similar care coordination
19 entities contracted with the Department on or before December
20 1, 2024 for the purpose of improving care coordination with
21 the early detection of elevated risk. Leading indicators shall
22 be reassessed annually with stakeholder input. The Department
23 shall implement guidance to managed care organizations and
24 similar care coordination entities contracted with the
25 Department, so that the managed care organizations and care
26 coordination entities respond to lead indicators with services

1 and interventions that are designed to help stabilize the
2 child.

3 (i) The requirements of this Section apply to contracts
4 with accountable care entities and MCOs entered into, amended,
5 or renewed after June 16, 2014 (the effective date of Public
6 Act 98-651).

7 (j) Health care information released to managed care
8 organizations. A health care provider shall release to a
9 Medicaid managed care organization, upon request, and subject
10 to the Health Insurance Portability and Accountability Act of
11 1996 and any other law applicable to the release of health
12 information, the health care information of the MCO's
13 enrollee, if the enrollee has completed and signed a general
14 release form that grants to the health care provider
15 permission to release the recipient's health care information
16 to the recipient's insurance carrier.

17 (k) The Department of Healthcare and Family Services,
18 managed care organizations, a statewide organization
19 representing hospitals, and a statewide organization
20 representing safety-net hospitals shall explore ways to
21 support billing departments in safety-net hospitals.

22 (l) The requirements of this Section added by Public Act
23 102-4 shall apply to services provided on or after the first
24 day of the month that begins 60 days after April 27, 2021 (the
25 effective date of Public Act 102-4).

26 (m) Except where otherwise expressly specified, the

1 requirements of this Section added by Public Act 103-593 ~~this~~
2 ~~amendatory Act of the 103rd General Assembly~~ shall apply to
3 services provided on or after July 1, 2025.

4 (Source: P.A. 102-4, eff. 4-27-21; 102-43, eff. 7-6-21;
5 102-144, eff. 1-1-22; 102-454, eff. 8-20-21; 102-813, eff.
6 5-13-22; 103-546, eff. 8-11-23; 103-593, eff. 6-7-24; 103-885,
7 eff. 8-9-24; revised 10-7-24.)

8 (305 ILCS 5/5-52)

9 Sec. 5-52. Custom prosthetic and orthotic devices;
10 reimbursement rates. Subject to federal approval, for dates of
11 service beginning on and after January 1, 2025, the Department
12 shall increase the current 2024 Medicaid rate by 7% under the
13 medical assistance program for custom prosthetic and orthotic
14 devices.

15 (Source: P.A. 103-593, eff. 6-7-24.)

16 (305 ILCS 5/5-56)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

19 Sec. 5-56 ~~5-52~~. Coverage for hormonal therapy to treat
20 menopause. The medical assistance program shall provide
21 coverage for medically necessary hormone therapy treatment to
22 treat menopause that has been induced by a hysterectomy.

23 (Source: P.A. 103-703, eff. 1-1-26; revised 10-2-24.)

1 (305 ILCS 5/5-57)

2 Sec. 5-57 ~~5-52~~. Genetic testing and evidence-based
3 screenings for an inherited gene mutation.

4 (a) In this Section, "genetic testing for an inherited
5 mutation" means germline multi-gene testing for an inherited
6 mutation associated with an increased risk of cancer in
7 accordance with evidence-based, clinical practice guidelines.

8 (b) Subject to federal approval, the medical assistance
9 program, after January 1, 2026, shall provide coverage for
10 clinical genetic testing for an inherited gene mutation for
11 individuals with a personal or family history of cancer, as
12 recommended by a health care professional in accordance with
13 current evidence-based clinical practice guidelines,
14 including, but not limited to, the current version of the
15 National Comprehensive Cancer Network clinical practice
16 guidelines.

17 (c) For individuals with a genetic test that is positive
18 for an inherited mutation associated with an increased risk of
19 cancer, coverage required under this Section shall include any
20 evidence-based screenings, as recommended by a health care
21 professional in accordance with current evidence-based
22 clinical practice guidelines, to the extent that the
23 management recommendation is not already covered by the
24 medical assistance program. In this subsection,
25 "evidence-based cancer screenings" means medically recommended
26 evidence-based screening modalities in accordance with current

1 clinical practice guidelines.

2 (Source: P.A. 103-914, eff. 1-1-25; revised 12-3-24.)

3 (305 ILCS 5/14-12)

4 Sec. 14-12. Hospital rate reform payment system. The
5 hospital payment system pursuant to Section 14-11 of this
6 Article shall be as follows:

7 (a) Inpatient hospital services. Effective for discharges
8 on and after July 1, 2014, reimbursement for inpatient general
9 acute care services shall utilize the All Patient Refined
10 Diagnosis Related Grouping (APR-DRG) software, version 30,
11 distributed by 3MTM Health Information System.

12 (1) The Department shall establish Medicaid weighting
13 factors to be used in the reimbursement system established
14 under this subsection. Initial weighting factors shall be
15 the weighting factors as published by 3M Health
16 Information System, associated with Version 30.0 adjusted
17 for the Illinois experience.

18 (2) The Department shall establish a
19 statewide-standardized amount to be used in the inpatient
20 reimbursement system. The Department shall publish these
21 amounts on its website no later than 10 calendar days
22 prior to their effective date.

23 (3) In addition to the statewide-standardized amount,
24 the Department shall develop adjusters to adjust the rate
25 of reimbursement for critical Medicaid providers or

1 services for trauma, transplantation services, perinatal
2 care, and Graduate Medical Education (GME).

3 (4) The Department shall develop add-on payments to
4 account for exceptionally costly inpatient stays,
5 consistent with Medicare outlier principles. Outlier fixed
6 loss thresholds may be updated to control for excessive
7 growth in outlier payments no more frequently than on an
8 annual basis, but at least once every 4 years. Upon
9 updating the fixed loss thresholds, the Department shall
10 be required to update base rates within 12 months.

11 (5) The Department shall define those hospitals or
12 distinct parts of hospitals that shall be exempt from the
13 APR-DRG reimbursement system established under this
14 Section. The Department shall publish these hospitals'
15 inpatient rates on its website no later than 10 calendar
16 days prior to their effective date.

17 (6) Beginning July 1, 2014 and ending on December 31,
18 2023, in addition to the statewide-standardized amount,
19 the Department shall develop an adjustor to adjust the
20 rate of reimbursement for safety-net hospitals defined in
21 Section 5-5e.1 of this Code excluding pediatric hospitals.

22 (7) Beginning July 1, 2014, in addition to the
23 statewide-standardized amount, the Department shall
24 develop an adjustor to adjust the rate of reimbursement
25 for Illinois freestanding inpatient psychiatric hospitals
26 that are not designated as children's hospitals by the

1 Department but are primarily treating patients under the
2 age of 21.

3 (7.5) (Blank).

4 (8) Beginning July 1, 2018, in addition to the
5 statewide-standardized amount, the Department shall adjust
6 the rate of reimbursement for hospitals designated by the
7 Department of Public Health as a Perinatal Level II or II+
8 center by applying the same adjustor that is applied to
9 Perinatal and Obstetrical care cases for Perinatal Level
10 III centers, as of December 31, 2017.

11 (9) Beginning July 1, 2018, in addition to the
12 statewide-standardized amount, the Department shall apply
13 the same adjustor that is applied to trauma cases as of
14 December 31, 2017 to inpatient claims to treat patients
15 with burns, including, but not limited to, APR-DRGs 841,
16 842, 843, and 844.

17 (10) Beginning July 1, 2018, the
18 statewide-standardized amount for inpatient general acute
19 care services shall be uniformly increased so that base
20 claims projected reimbursement is increased by an amount
21 equal to the funds allocated in paragraph (1) of
22 subsection (b) of Section 5A-12.6, less the amount
23 allocated under paragraphs (8) and (9) of this subsection
24 and paragraphs (3) and (4) of subsection (b) multiplied by
25 40%.

26 (11) Beginning July 1, 2018, the reimbursement for

1 inpatient rehabilitation services shall be increased by
2 the addition of a \$96 per day add-on.

3 (b) Outpatient hospital services. Effective for dates of
4 service on and after July 1, 2014, reimbursement for
5 outpatient services shall utilize the Enhanced Ambulatory
6 Procedure Grouping (EAPG) software, version 3.7 distributed by
7 3MTM Health Information System.

8 (1) The Department shall establish Medicaid weighting
9 factors to be used in the reimbursement system established
10 under this subsection. The initial weighting factors shall
11 be the weighting factors as published by 3M Health
12 Information System, associated with Version 3.7.

13 (2) The Department shall establish service specific
14 statewide-standardized amounts to be used in the
15 reimbursement system.

16 (A) The initial statewide standardized amounts,
17 with the labor portion adjusted by the Calendar Year
18 2013 Medicare Outpatient Prospective Payment System
19 wage index with reclassifications, shall be published
20 by the Department on its website no later than 10
21 calendar days prior to their effective date.

22 (B) The Department shall establish adjustments to
23 the statewide-standardized amounts for each Critical
24 Access Hospital, as designated by the Department of
25 Public Health in accordance with 42 CFR 485, Subpart
26 F. For outpatient services provided on or before June

1 30, 2018, the EAPG standardized amounts are determined
2 separately for each critical access hospital such that
3 simulated EAPG payments using outpatient base period
4 paid claim data plus payments under Section 5A-12.4 of
5 this Code net of the associated tax costs are equal to
6 the estimated costs of outpatient base period claims
7 data with a rate year cost inflation factor applied.

8 (3) In addition to the statewide-standardized amounts,
9 the Department shall develop adjusters to adjust the rate
10 of reimbursement for critical Medicaid hospital outpatient
11 providers or services, including outpatient high volume or
12 safety-net hospitals. Beginning July 1, 2018, the
13 outpatient high volume adjustor shall be increased to
14 increase annual expenditures associated with this adjustor
15 by \$79,200,000, based on the State Fiscal Year 2015 base
16 year data and this adjustor shall apply to public
17 hospitals, except for large public hospitals, as defined
18 under 89 Ill. Adm. Code 148.25(a).

19 (4) Beginning July 1, 2018, in addition to the
20 statewide standardized amounts, the Department shall make
21 an add-on payment for outpatient expensive devices and
22 drugs. This add-on payment shall at least apply to claim
23 lines that: (i) are assigned with one of the following
24 EAPGs: 490, 1001 to 1020, and coded with one of the
25 following revenue codes: 0274 to 0276, 0278; or (ii) are
26 assigned with one of the following EAPGs: 430 to 441, 443,

1 444, 460 to 465, 495, 496, 1090. The add-on payment shall
2 be calculated as follows: the claim line's covered charges
3 multiplied by the hospital's total acute cost to charge
4 ratio, less the claim line's EAPG payment plus \$1,000,
5 multiplied by 0.8.

6 (5) Beginning July 1, 2018, the statewide-standardized
7 amounts for outpatient services shall be increased by a
8 uniform percentage so that base claims projected
9 reimbursement is increased by an amount equal to no less
10 than the funds allocated in paragraph (1) of subsection
11 (b) of Section 5A-12.6, less the amount allocated under
12 paragraphs (8) and (9) of subsection (a) and paragraphs
13 (3) and (4) of this subsection multiplied by 46%.

14 (6) Effective for dates of service on or after July 1,
15 2018, the Department shall establish adjustments to the
16 statewide-standardized amounts for each Critical Access
17 Hospital, as designated by the Department of Public Health
18 in accordance with 42 CFR 485, Subpart F, such that each
19 Critical Access Hospital's standardized amount for
20 outpatient services shall be increased by the applicable
21 uniform percentage determined pursuant to paragraph (5) of
22 this subsection. It is the intent of the General Assembly
23 that the adjustments required under this paragraph (6) by
24 Public Act 100-1181 shall be applied retroactively to
25 claims for dates of service provided on or after July 1,
26 2018.

1 (7) Effective for dates of service on or after March
2 8, 2019 (the effective date of Public Act 100-1181), the
3 Department shall recalculate and implement an updated
4 statewide-standardized amount for outpatient services
5 provided by hospitals that are not Critical Access
6 Hospitals to reflect the applicable uniform percentage
7 determined pursuant to paragraph (5).

8 (1) Any recalculation to the
9 statewide-standardized amounts for outpatient services
10 provided by hospitals that are not Critical Access
11 Hospitals shall be the amount necessary to achieve the
12 increase in the statewide-standardized amounts for
13 outpatient services increased by a uniform percentage,
14 so that base claims projected reimbursement is
15 increased by an amount equal to no less than the funds
16 allocated in paragraph (1) of subsection (b) of
17 Section 5A-12.6, less the amount allocated under
18 paragraphs (8) and (9) of subsection (a) and
19 paragraphs (3) and (4) of this subsection, for all
20 hospitals that are not Critical Access Hospitals,
21 multiplied by 46%.

22 (2) It is the intent of the General Assembly that
23 the recalculations required under this paragraph (7)
24 by Public Act 100-1181 shall be applied prospectively
25 to claims for dates of service provided on or after
26 March 8, 2019 (the effective date of Public Act

1 100-1181) and that no recoupment or repayment by the
2 Department or an MCO of payments attributable to
3 recalculation under this paragraph (7), issued to the
4 hospital for dates of service on or after July 1, 2018
5 and before March 8, 2019 (the effective date of Public
6 Act 100-1181), shall be permitted.

7 (8) The Department shall ensure that all necessary
8 adjustments to the managed care organization capitation
9 base rates necessitated by the adjustments under
10 subparagraph (6) or (7) of this subsection are completed
11 and applied retroactively in accordance with Section
12 5-30.8 of this Code within 90 days of March 8, 2019 (the
13 effective date of Public Act 100-1181).

14 (9) Within 60 days after federal approval of the
15 change made to the assessment in Section 5A-2 by Public
16 Act 101-650, the Department shall incorporate into the
17 EAPG system for outpatient services those services
18 performed by hospitals currently billed through the
19 Non-Institutional Provider billing system.

20 (b-5) Notwithstanding any other provision of this Section,
21 beginning with dates of service on and after January 1, 2023,
22 any general acute care hospital with more than 500 outpatient
23 psychiatric Medicaid services to persons under 19 years of age
24 in any calendar year shall be paid the outpatient add-on
25 payment of no less than \$113.

26 (c) In consultation with the hospital community, the

1 Department is authorized to replace 89 Ill. Adm. Code 152.150
2 as published in 38 Ill. Reg. 4980 through 4986 within 12 months
3 of June 16, 2014 (the effective date of Public Act 98-651). If
4 the Department does not replace these rules within 12 months
5 of June 16, 2014 (the effective date of Public Act 98-651), the
6 rules in effect for 152.150 as published in 38 Ill. Reg. 4980
7 through 4986 shall remain in effect until modified by rule by
8 the Department. Nothing in this subsection shall be construed
9 to mandate that the Department file a replacement rule.

10 (d) Transition period. There shall be a transition period
11 to the reimbursement systems authorized under this Section
12 that shall begin on the effective date of these systems and
13 continue until June 30, 2018, unless extended by rule by the
14 Department. To help provide an orderly and predictable
15 transition to the new reimbursement systems and to preserve
16 and enhance access to the hospital services during this
17 transition, the Department shall allocate a transitional
18 hospital access pool of at least \$290,000,000 annually so that
19 transitional hospital access payments are made to hospitals.

20 (1) After the transition period, the Department may
21 begin incorporating the transitional hospital access pool
22 into the base rate structure; however, the transitional
23 hospital access payments in effect on June 30, 2018 shall
24 continue to be paid, if continued under Section 5A-16.

25 (2) After the transition period, if the Department
26 reduces payments from the transitional hospital access

1 pool, it shall increase base rates, develop new adjustors,
2 adjust current adjustors, develop new hospital access
3 payments based on updated information, or any combination
4 thereof by an amount equal to the decreases proposed in
5 the transitional hospital access pool payments, ensuring
6 that the entire transitional hospital access pool amount
7 shall continue to be used for hospital payments.

8 (d-5) Hospital and health care transformation program. The
9 Department shall develop a hospital and health care
10 transformation program to provide financial assistance to
11 hospitals in transforming their services and care models to
12 better align with the needs of the communities they serve. The
13 payments authorized in this Section shall be subject to
14 approval by the federal government.

15 (1) Phase 1. In State fiscal years 2019 through 2020,
16 the Department shall allocate funds from the transitional
17 access hospital pool to create a hospital transformation
18 pool of at least \$262,906,870 annually and make hospital
19 transformation payments to hospitals. Subject to Section
20 5A-16, in State fiscal years 2019 and 2020, an Illinois
21 hospital that received either a transitional hospital
22 access payment under subsection (d) or a supplemental
23 payment under subsection (f) of this Section in State
24 fiscal year 2018, shall receive a hospital transformation
25 payment as follows:

26 (A) If the hospital's Rate Year 2017 Medicaid

1 inpatient utilization rate is equal to or greater than
2 45%, the hospital transformation payment shall be
3 equal to 100% of the sum of its transitional hospital
4 access payment authorized under subsection (d) and any
5 supplemental payment authorized under subsection (f).

6 (B) If the hospital's Rate Year 2017 Medicaid
7 inpatient utilization rate is equal to or greater than
8 25% but less than 45%, the hospital transformation
9 payment shall be equal to 75% of the sum of its
10 transitional hospital access payment authorized under
11 subsection (d) and any supplemental payment authorized
12 under subsection (f).

13 (C) If the hospital's Rate Year 2017 Medicaid
14 inpatient utilization rate is less than 25%, the
15 hospital transformation payment shall be equal to 50%
16 of the sum of its transitional hospital access payment
17 authorized under subsection (d) and any supplemental
18 payment authorized under subsection (f).

19 (2) Phase 2.

20 (A) The funding amount from phase one shall be
21 incorporated into directed payment and pass-through
22 payment methodologies described in Section 5A-12.7.

23 (B) Because there are communities in Illinois that
24 experience significant health care disparities due to
25 systemic racism, as recently emphasized by the
26 COVID-19 pandemic, aggravated by social determinants

1 of health and a lack of sufficiently allocated health
2 care ~~healthcare~~ resources, particularly
3 community-based services, preventive care, obstetric
4 care, chronic disease management, and specialty care,
5 the Department shall establish a health care
6 transformation program that shall be supported by the
7 transformation funding pool. It is the intention of
8 the General Assembly that innovative partnerships
9 funded by the pool must be designed to establish or
10 improve integrated health care delivery systems that
11 will provide significant access to the Medicaid and
12 uninsured populations in their communities, as well as
13 improve health care equity. It is also the intention
14 of the General Assembly that partnerships recognize
15 and address the disparities revealed by the COVID-19
16 pandemic, as well as the need for post-COVID care.
17 During State fiscal years 2021 through 2027, the
18 hospital and health care transformation program shall
19 be supported by an annual transformation funding pool
20 of up to \$150,000,000, pending federal matching funds,
21 to be allocated during the specified fiscal years for
22 the purpose of facilitating hospital and health care
23 transformation. No disbursement of moneys for
24 transformation projects from the transformation
25 funding pool described under this Section shall be
26 considered an award, a grant, or an expenditure of

1 grant funds. Funding agreements made in accordance
2 with the transformation program shall be considered
3 purchases of care under the Illinois Procurement Code,
4 and funds shall be expended by the Department in a
5 manner that maximizes federal funding to expend the
6 entire allocated amount.

7 The Department shall convene, within 30 days after
8 March 12, 2021 (the effective date of Public Act
9 101-655), a workgroup that includes subject matter
10 experts on health care ~~healthcare~~ disparities and
11 stakeholders from distressed communities, which could
12 be a subcommittee of the Medicaid Advisory Committee,
13 to review and provide recommendations on how
14 Department policy, including health care
15 transformation, can improve health disparities and the
16 impact on communities disproportionately affected by
17 COVID-19. The workgroup shall consider and make
18 recommendations on the following issues: a community
19 safety-net designation of certain hospitals, racial
20 equity, and a regional partnership to bring additional
21 specialty services to communities.

22 (C) As provided in paragraph (9) of Section 3 of
23 the Illinois Health Facilities Planning Act, any
24 hospital participating in the transformation program
25 may be excluded from the requirements of the Illinois
26 Health Facilities Planning Act for those projects

1 related to the hospital's transformation. To be
2 eligible, the hospital must submit to the Health
3 Facilities and Services Review Board approval from the
4 Department that the project is a part of the
5 hospital's transformation.

6 (D) As provided in subsection (a-20) of Section
7 32.5 of the Emergency Medical Services (EMS) Systems
8 Act, a hospital that received hospital transformation
9 payments under this Section may convert to a
10 freestanding emergency center. To be eligible for such
11 a conversion, the hospital must submit to the
12 Department of Public Health approval from the
13 Department that the project is a part of the
14 hospital's transformation.

15 (E) Criteria for proposals. To be eligible for
16 funding under this Section, a transformation proposal
17 shall meet all of the following criteria:

18 (i) the proposal shall be designed based on
19 community needs assessment completed by either a
20 University partner or other qualified entity with
21 significant community input;

22 (ii) the proposal shall be a collaboration
23 among providers across the care and community
24 spectrum, including preventative care, primary
25 care specialty care, hospital services, mental
26 health and substance abuse services, as well as

1 community-based entities that address the social
2 determinants of health;

3 (iii) the proposal shall be specifically
4 designed to improve health care ~~healthcare~~
5 outcomes and reduce health care ~~healthcare~~
6 disparities, and improve the coordination,
7 effectiveness, and efficiency of care delivery;

8 (iv) the proposal shall have specific
9 measurable metrics related to disparities that
10 will be tracked by the Department and made public
11 by the Department;

12 (v) the proposal shall include a commitment to
13 include Business Enterprise Program certified
14 vendors or other entities controlled and managed
15 by minorities or women; and

16 (vi) the proposal shall specifically increase
17 access to primary, preventive, or specialty care.

18 (F) Entities eligible to be funded.

19 (i) Proposals for funding should come from
20 collaborations operating in one of the most
21 distressed communities in Illinois as determined
22 by the U.S. Centers for Disease Control and
23 Prevention's Social Vulnerability Index for
24 Illinois and areas disproportionately impacted by
25 COVID-19 or from rural areas of Illinois.

26 (ii) The Department shall prioritize

1 partnerships from distressed communities, which
2 include Business Enterprise Program certified
3 vendors or other entities controlled and managed
4 by minorities or women and also include one or
5 more of the following: safety-net hospitals,
6 critical access hospitals, the campuses of
7 hospitals that have closed since January 1, 2018,
8 or other health care ~~healthcare~~ providers designed
9 to address specific health care ~~healthcare~~
10 disparities, including the impact of COVID-19 on
11 individuals and the community and the need for
12 post-COVID care. All funded proposals must include
13 specific measurable goals and metrics related to
14 improved outcomes and reduced disparities which
15 shall be tracked by the Department.

16 (iii) The Department should target the funding
17 in the following ways: \$30,000,000 of
18 transformation funds to projects that are a
19 collaboration between a safety-net hospital,
20 particularly community safety-net hospitals, and
21 other providers and designed to address specific
22 health care ~~healthcare~~ disparities, \$20,000,000 of
23 transformation funds to collaborations between
24 safety-net hospitals and a larger hospital partner
25 that increases specialty care in distressed
26 communities, \$30,000,000 of transformation funds

1 to projects that are a collaboration between
2 hospitals and other providers in distressed areas
3 of the State designed to address specific health
4 care ~~healthcare~~ disparities, \$15,000,000 to
5 collaborations between critical access hospitals
6 and other providers designed to address specific
7 health care ~~healthcare~~ disparities, and
8 \$15,000,000 to cross-provider collaborations
9 designed to address specific health care
10 ~~healthcare~~ disparities, and \$5,000,000 to
11 collaborations that focus on workforce
12 development.

13 (iv) The Department may allocate up to
14 \$5,000,000 for planning, racial equity analysis,
15 or consulting resources for the Department or
16 entities without the resources to develop a plan
17 to meet the criteria of this Section. Any contract
18 for consulting services issued by the Department
19 under this subparagraph shall comply with the
20 provisions of Section 5-45 of the State Officials
21 and Employees Ethics Act. Based on availability of
22 federal funding, the Department may directly
23 procure consulting services or provide funding to
24 the collaboration. The provision of resources
25 under this subparagraph is not a guarantee that a
26 project will be approved.

1 (v) The Department shall take steps to ensure
2 that safety-net hospitals operating in
3 under-resourced communities receive priority
4 access to hospital and health care ~~healthcare~~
5 transformation funds, including consulting funds,
6 as provided under this Section.

7 (G) Process for submitting and approving projects
8 for distressed communities. The Department shall issue
9 a template for application. The Department shall post
10 any proposal received on the Department's website for
11 at least 2 weeks for public comment, and any such
12 public comment shall also be considered in the review
13 process. Applicants may request that proprietary
14 financial information be redacted from publicly posted
15 proposals and the Department in its discretion may
16 agree. Proposals for each distressed community must
17 include all of the following:

18 (i) A detailed description of how the project
19 intends to affect the goals outlined in this
20 subsection, describing new interventions, new
21 technology, new structures, and other changes to
22 the health care ~~healthcare~~ delivery system
23 planned.

24 (ii) A detailed description of the racial and
25 ethnic makeup of the entities' board and
26 leadership positions and the salaries of the

1 executive staff of entities in the partnership
2 that is seeking to obtain funding under this
3 Section.

4 (iii) A complete budget, including an overall
5 timeline and a detailed pathway to sustainability
6 within a 5-year period, specifying other sources
7 of funding, such as in-kind, cost-sharing, or
8 private donations, particularly for capital needs.
9 There is an expectation that parties to the
10 transformation project dedicate resources to the
11 extent they are able and that these expectations
12 are delineated separately for each entity in the
13 proposal.

14 (iv) A description of any new entities formed
15 or other legal relationships between collaborating
16 entities and how funds will be allocated among
17 participants.

18 (v) A timeline showing the evolution of sites
19 and specific services of the project over a 5-year
20 period, including services available to the
21 community by site.

22 (vi) Clear milestones indicating progress
23 toward the proposed goals of the proposal as
24 checkpoints along the way to continue receiving
25 funding. The Department is authorized to refine
26 these milestones in agreements, and is authorized

1 to impose reasonable penalties, including
2 repayment of funds, for substantial lack of
3 progress.

4 (vii) A clear statement of the level of
5 commitment the project will include for minorities
6 and women in contracting opportunities, including
7 as equity partners where applicable, or as
8 subcontractors and suppliers in all phases of the
9 project.

10 (viii) If the community study utilized is not
11 the study commissioned and published by the
12 Department, the applicant must define the
13 methodology used, including documentation of clear
14 community participation.

15 (ix) A description of the process used in
16 collaborating with all levels of government in the
17 community served in the development of the
18 project, including, but not limited to,
19 legislators and officials of other units of local
20 government.

21 (x) Documentation of a community input process
22 in the community served, including links to
23 proposal materials on public websites.

24 (xi) Verifiable project milestones and quality
25 metrics that will be impacted by transformation.
26 These project milestones and quality metrics must

1 be identified with improvement targets that must
2 be met.

3 (xii) Data on the number of existing employees
4 by various job categories and wage levels by the
5 zip code of the employees' residence and
6 benchmarks for the continued maintenance and
7 improvement of these levels. The proposal must
8 also describe any retraining or other workforce
9 development planned for the new project.

10 (xiii) If a new entity is created by the
11 project, a description of how the board will be
12 reflective of the community served by the
13 proposal.

14 (xiv) An explanation of how the proposal will
15 address the existing disparities that exacerbated
16 the impact of COVID-19 and the need for post-COVID
17 care in the community, if applicable.

18 (xv) An explanation of how the proposal is
19 designed to increase access to care, including
20 specialty care based upon the community's needs.

21 (H) The Department shall evaluate proposals for
22 compliance with the criteria listed under subparagraph
23 (G). Proposals meeting all of the criteria may be
24 eligible for funding with the areas of focus
25 prioritized as described in item (ii) of subparagraph
26 (F). Based on the funds available, the Department may

1 negotiate funding agreements with approved applicants
2 to maximize federal funding. Nothing in this
3 subsection requires that an approved project be funded
4 to the level requested. Agreements shall specify the
5 amount of funding anticipated annually, the
6 methodology of payments, the limit on the number of
7 years such funding may be provided, and the milestones
8 and quality metrics that must be met by the projects in
9 order to continue to receive funding during each year
10 of the program. Agreements shall specify the terms and
11 conditions under which a health care facility that
12 receives funds under a purchase of care agreement and
13 closes in violation of the terms of the agreement must
14 pay an early closure fee no greater than 50% of the
15 funds it received under the agreement, prior to the
16 Health Facilities and Services Review Board
17 considering an application for closure of the
18 facility. Any project that is funded shall be required
19 to provide quarterly written progress reports, in a
20 form prescribed by the Department, and at a minimum
21 shall include the progress made in achieving any
22 milestones or metrics or Business Enterprise Program
23 commitments in its plan. The Department may reduce or
24 end payments, as set forth in transformation plans, if
25 milestones or metrics or Business Enterprise Program
26 commitments are not achieved. The Department shall

1 seek to make payments from the transformation fund in
2 a manner that is eligible for federal matching funds.

3 In reviewing the proposals, the Department shall
4 take into account the needs of the community, data
5 from the study commissioned by the Department from the
6 University of Illinois-Chicago if applicable, feedback
7 from public comment on the Department's website, as
8 well as how the proposal meets the criteria listed
9 under subparagraph (G). Alignment with the
10 Department's overall strategic initiatives shall be an
11 important factor. To the extent that fiscal year
12 funding is not adequate to fund all eligible projects
13 that apply, the Department shall prioritize
14 applications that most comprehensively and effectively
15 address the criteria listed under subparagraph (G).

16 (3) (Blank).

17 (4) Hospital Transformation Review Committee. There is
18 created the Hospital Transformation Review Committee. The
19 Committee shall consist of 14 members. No later than 30
20 days after March 12, 2018 (the effective date of Public
21 Act 100-581), the 4 legislative leaders shall each appoint
22 3 members; the Governor shall appoint the Director of
23 Healthcare and Family Services, or his or her designee, as
24 a member; and the Director of Healthcare and Family
25 Services shall appoint one member. Any vacancy shall be
26 filled by the applicable appointing authority within 15

1 calendar days. The members of the Committee shall select a
2 Chair and a Vice-Chair from among its members, provided
3 that the Chair and Vice-Chair cannot be appointed by the
4 same appointing authority and must be from different
5 political parties. The Chair shall have the authority to
6 establish a meeting schedule and convene meetings of the
7 Committee, and the Vice-Chair shall have the authority to
8 convene meetings in the absence of the Chair. The
9 Committee may establish its own rules with respect to
10 meeting schedule, notice of meetings, and the disclosure
11 of documents; however, the Committee shall not have the
12 power to subpoena individuals or documents and any rules
13 must be approved by 9 of the 14 members. The Committee
14 shall perform the functions described in this Section and
15 advise and consult with the Director in the administration
16 of this Section. In addition to reviewing and approving
17 the policies, procedures, and rules for the hospital and
18 health care transformation program, the Committee shall
19 consider and make recommendations related to qualifying
20 criteria and payment methodologies related to safety-net
21 hospitals and children's hospitals. Members of the
22 Committee appointed by the legislative leaders shall be
23 subject to the jurisdiction of the Legislative Ethics
24 Commission, not the Executive Ethics Commission, and all
25 requests under the Freedom of Information Act shall be
26 directed to the applicable Freedom of Information officer

1 for the General Assembly. The Department shall provide
2 operational support to the Committee as necessary. The
3 Committee is dissolved on April 1, 2019.

4 (e) Beginning 36 months after initial implementation, the
5 Department shall update the reimbursement components in
6 subsections (a) and (b), including standardized amounts and
7 weighting factors, and at least once every 4 years and no more
8 frequently than annually thereafter. The Department shall
9 publish these updates on its website no later than 30 calendar
10 days prior to their effective date.

11 (f) Continuation of supplemental payments. Any
12 supplemental payments authorized under 89 Illinois
13 Administrative Code 148 effective January 1, 2014 and that
14 continue during the period of July 1, 2014 through December
15 31, 2014 shall remain in effect as long as the assessment
16 imposed by Section 5A-2 that is in effect on December 31, 2017
17 remains in effect.

18 (g) Notwithstanding subsections (a) through (f) of this
19 Section and notwithstanding the changes authorized under
20 Section 5-5b.1, any updates to the system shall not result in
21 any diminishment of the overall effective rates of
22 reimbursement as of the implementation date of the new system
23 (July 1, 2014). These updates shall not preclude variations in
24 any individual component of the system or hospital rate
25 variations. Nothing in this Section shall prohibit the
26 Department from increasing the rates of reimbursement or

1 developing payments to ensure access to hospital services.
2 Nothing in this Section shall be construed to guarantee a
3 minimum amount of spending in the aggregate or per hospital as
4 spending may be impacted by factors, including, but not
5 limited to, the number of individuals in the medical
6 assistance program and the severity of illness of the
7 individuals.

8 (h) The Department shall have the authority to modify by
9 rulemaking any changes to the rates or methodologies in this
10 Section as required by the federal government to obtain
11 federal financial participation for expenditures made under
12 this Section.

13 (i) Except for subsections (g) and (h) of this Section,
14 the Department shall, pursuant to subsection (c) of Section
15 5-40 of the Illinois Administrative Procedure Act, provide for
16 presentation at the June 2014 hearing of the Joint Committee
17 on Administrative Rules (JCAR) additional written notice to
18 JCAR of the following rules in order to commence the second
19 notice period for the following rules: rules published in the
20 Illinois Register, rule dated February 21, 2014 at 38 Ill.
21 Reg. 4559 (Medical Payment), 4628 (Specialized Health Care
22 Delivery Systems), 4640 (Hospital Services), 4932 (Diagnostic
23 Related Grouping (DRG) Prospective Payment System (PPS)), and
24 4977 (Hospital Reimbursement Changes), and published in the
25 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499
26 (Specialized Health Care Delivery Systems) and 6505 (Hospital

1 Services).

2 (j) Out-of-state hospitals. Beginning July 1, 2018, for
3 purposes of determining for State fiscal years 2019 and 2020
4 and subsequent fiscal years the hospitals eligible for the
5 payments authorized under subsections (a) and (b) of this
6 Section, the Department shall include out-of-state hospitals
7 that are designated a Level I pediatric trauma center or a
8 Level I trauma center by the Department of Public Health as of
9 December 1, 2017.

10 (k) The Department shall notify each hospital and managed
11 care organization, in writing, of the impact of the updates
12 under this Section at least 30 calendar days prior to their
13 effective date.

14 (l) This Section is subject to Section 14-12.5.
15 (Source: P.A. 102-682, eff. 12-10-21; 102-1037, eff. 6-2-22;
16 103-102, eff. 6-16-23; 103-154, eff. 6-30-23; revised
17 10-16-24.)

18 Section 905. The Illinois Caregiver Assistance and
19 Resource Portal Act is amended by changing Section 25-1 as
20 follows:

21 (320 ILCS 70/25-1)

22 Sec. 25-1. Short title. This Article ~~Act~~ may be cited as
23 the Illinois Caregiver Assistance and Resource Portal Act. As
24 used in this Article, "this Act" refers to this Article.

1 (Source: P.A. 103-588, eff. 6-5-24; revised 7-19-24.)

2 Section 910. The Department of Early Childhood Act is
3 amended by changing Section 15-5 as follows:

4 (325 ILCS 3/15-5)

5 Sec. 15-5. Transition of administrative responsibilities
6 related to home-visiting services. Beginning July 1, 2024, the
7 Department of Early Childhood and the Department of Human
8 Services shall collaborate and plan for the transition of
9 administrative responsibilities related to home-visiting
10 services as prescribed in Section 10-16 of the Department of
11 Human Services Act.

12 (Source: P.A. 103-594, eff. 6-25-24; revised 10-21-24.)

13 Section 915. The Child Abuse Notice Act is amended by
14 changing Section 5 as follows:

15 (325 ILCS 6/5)

16 Sec. 5. Posted notice required. Each of the following
17 businesses and other establishments shall, upon the
18 availability of the model notice described in Section 10, post
19 a notice that complies with the requirements of this Act in a
20 conspicuous place in all restrooms open to the public, or in
21 another conspicuous location in clear view of the public and
22 employees where similar notices are customarily posted:

1 (1) Hotels and motels.

2 (2) Entertainment facilities or sporting facilities
3 that are indoor structures with a legal occupancy of at
4 least 5,000 persons.

5 (3) Tattoo and body piercing establishments.

6 (4) Primary airports, as defined in Section 47102(16)
7 of Title 49 of the United States Code.

8 (5) Intercity passenger rail or light rail stations.

9 (6) Bus stations.

10 (7) Truck stops. As used in this Act, "truck stop"
11 means a privately owned ~~privately-owned~~ and operated
12 facility that provides food, fuel, shower, or other
13 sanitary facilities, and lawful overnight truck parking.

14 (8) Emergency rooms within general acute care
15 hospitals, in which case the notice may be posted by
16 electronic means.

17 (9) Urgent care centers, in which case the notice may
18 be posted by electronic means.

19 (Source: P.A. 103-813, eff. 1-1-25; revised 12-1-24.)

20 Section 920. The Children's Mental Health Act is amended
21 by changing Section 5 as follows:

22 (405 ILCS 49/5)

23 Sec. 5. Children's Mental Health Partnership; Children's
24 Mental Health Plan.

1 (a) The Children's Mental Health Partnership (hereafter
2 referred to as "the Partnership") created under Public Act
3 93-495 and continued under Public Act 102-899 shall advise
4 State agencies and the Children's Behavioral Health
5 Transformation Initiative on designing and implementing
6 short-term and long-term strategies to provide comprehensive
7 and coordinated services for children from birth to age 25 and
8 their families with the goal of addressing children's mental
9 health needs across a full continuum of care, including social
10 determinants of health, prevention, early identification, and
11 treatment. The recommended strategies shall build upon the
12 recommendations in the Children's Mental Health Plan of 2022
13 and may include, but are not limited to, recommendations
14 regarding the following:

15 (1) Increasing public awareness on issues connected to
16 children's mental health and wellness to decrease stigma,
17 promote acceptance, and strengthen the ability of
18 children, families, and communities to access supports.

19 (2) Coordination of programs, services, and policies
20 across child-serving State agencies to best monitor and
21 assess spending, as well as foster innovation of adaptive
22 or new practices.

23 (3) Funding and resources for children's mental health
24 prevention, early identification, and treatment across
25 child-serving State agencies.

26 (4) Facilitation of research on best practices and

1 model programs and dissemination of this information to
2 State policymakers, practitioners, and the general public.

3 (5) Monitoring programs, services, and policies
4 addressing children's mental health and wellness.

5 (6) Growing, retaining, diversifying, and supporting
6 the child-serving workforce, with special emphasis on
7 professional development around child and family mental
8 health and wellness services.

9 (7) Supporting the design, implementation, and
10 evaluation of a quality-driven children's mental health
11 system of care across all child services that prevents
12 mental health concerns and mitigates trauma.

13 (8) Improving the system to more effectively meet the
14 emergency and residential placement needs for all children
15 with severe mental and behavioral challenges.

16 (b) The Partnership shall have the responsibility of
17 developing and updating the Children's Mental Health Plan and
18 advising the relevant State agencies on implementation of the
19 Plan. The Children's Mental Health Partnership shall be
20 comprised of the following members:

21 (1) The Governor or his or her designee.

22 (2) The Attorney General or his or her designee.

23 (3) The Secretary of the Department of Human Services
24 or his or her designee.

25 (4) The State Superintendent of Education or his or
26 her designee.

1 (5) The Director of the Department of Children and
2 Family Services or his or her designee.

3 (6) The Director of the Department of Healthcare and
4 Family Services or his or her designee.

5 (7) The Director of the Department of Public Health or
6 his or her designee.

7 (8) The Director of the Department of Juvenile Justice
8 or his or her designee.

9 (9) The Secretary of Early Childhood or his or her
10 designee.

11 (10) The Director of the Criminal Justice Information
12 Authority or his or her designee.

13 (11) One member of the General Assembly appointed by
14 the Speaker of the House.

15 (12) One member of the General Assembly appointed by
16 the President of the Senate.

17 (13) One member of the General Assembly appointed by
18 the Minority Leader of the Senate.

19 (14) One member of the General Assembly appointed by
20 the Minority Leader of the House.

21 (15) Up to 25 representatives from the public
22 reflecting a diversity of age, gender identity, race,
23 ethnicity, socioeconomic status, and geographic location,
24 to be appointed by the Governor. Those public members
25 appointed under this paragraph must include, but are not
26 limited to:

1 (A) a family member or individual with lived
2 experience in the children's mental health system;

3 (B) a child advocate;

4 (C) a community mental health expert,
5 practitioner, or provider;

6 (D) a representative of a statewide association
7 representing a majority of hospitals in the State;

8 (E) an early childhood expert or practitioner;

9 (F) a representative from the K-12 school system;

10 (G) a representative from the health care
11 ~~healthcare~~ sector;

12 (H) a substance use prevention expert or
13 practitioner, or a representative of a statewide
14 association representing community-based mental health
15 substance use disorder treatment providers in the
16 State;

17 (I) a violence prevention expert or practitioner;

18 (J) a representative from the juvenile justice
19 system;

20 (K) a school social worker; and

21 (L) a representative of a statewide organization
22 representing pediatricians.

23 (16) Two co-chairs appointed by the Governor, one
24 being a representative from the public and one being the
25 Director of Public Health.

26 The members appointed by the Governor shall be appointed

1 for 4 years with one opportunity for reappointment, except as
2 otherwise provided for in this subsection. Members who were
3 appointed by the Governor and are serving on January 1, 2023
4 (the effective date of Public Act 102-899) shall maintain
5 their appointment until the term of their appointment has
6 expired. For new appointments made pursuant to Public Act
7 102-899, members shall be appointed for one-year, 2-year, or
8 4-year terms, as determined by the Governor, with no more than
9 9 of the Governor's new or existing appointees serving the
10 same term. Those new appointments serving a one-year or 2-year
11 term may be appointed to 2 additional 4-year terms. If a
12 vacancy occurs in the Partnership membership, the vacancy
13 shall be filled in the same manner as the original appointment
14 for the remainder of the term.

15 The Partnership shall be convened no later than January
16 31, 2023 to discuss the changes in Public Act 102-899.

17 The members of the Partnership shall serve without
18 compensation but may be entitled to reimbursement for all
19 necessary expenses incurred in the performance of their
20 official duties as members of the Partnership from funds
21 appropriated for that purpose.

22 The Partnership may convene and appoint special committees
23 or study groups to operate under the direction of the
24 Partnership. Persons appointed to such special committees or
25 study groups shall only receive reimbursement for reasonable
26 expenses.

1 (b-5) The Partnership shall include an adjunct council
2 comprised of no more than 6 youth aged 14 to 25 and 4
3 representatives of 4 different community-based organizations
4 that focus on youth mental health. Of the community-based
5 organizations that focus on youth mental health, one of the
6 community-based organizations shall be led by an
7 LGBTQ-identified person, one of the community-based
8 organizations shall be led by a person of color, and one of the
9 community-based organizations shall be led by a woman. Of the
10 representatives appointed to the council from the
11 community-based organizations, at least one representative
12 shall be LGBTQ-identified, at least one representative shall
13 be a person of color, and at least one representative shall be
14 a woman. The council members shall be appointed by the Chair of
15 the Partnership and shall reflect the racial, gender identity,
16 sexual orientation, ability, socioeconomic, ethnic, and
17 geographic diversity of the State, including rural, suburban,
18 and urban appointees. The council shall make recommendations
19 to the Partnership regarding youth mental health, including,
20 but not limited to, identifying barriers to youth feeling
21 supported by and empowered by the system of mental health and
22 treatment providers, barriers perceived by youth in accessing
23 mental health services, gaps in the mental health system,
24 available resources in schools, including youth's perceptions
25 and experiences with outreach personnel, agency websites, and
26 informational materials, methods to destigmatize mental health

1 services, and how to improve State policy concerning student
2 mental health. The mental health system may include services
3 for substance use disorders and addiction. The council shall
4 meet at least 4 times annually.

5 (c) (Blank).

6 (d) The Illinois Children's Mental Health Partnership has
7 the following powers and duties:

8 (1) Conducting research assessments to determine the
9 needs and gaps of programs, services, and policies that
10 touch children's mental health.

11 (2) Developing policy statements for interagency
12 cooperation to cover all aspects of mental health
13 delivery, including social determinants of health,
14 prevention, early identification, and treatment.

15 (3) Recommending policies and providing information on
16 effective programs for delivery of mental health services.

17 (4) Using funding from federal, State, or
18 philanthropic partners, to fund pilot programs or research
19 activities to resource innovative practices by
20 organizational partners that will address children's
21 mental health. However, the Partnership may not provide
22 direct services.

23 (4.1) The Partnership shall work with community
24 networks and the Children's Behavioral Health
25 Transformation Initiative team to implement a community
26 needs assessment, that will raise awareness of gaps in

1 existing community-based services for youth.

2 (5) Submitting an annual report, on or before December
3 30 of each year, to the Governor and the General Assembly
4 on the progress of the Plan, any recommendations regarding
5 State policies, laws, or rules necessary to fulfill the
6 purposes of the Act, and any additional recommendations
7 regarding mental or behavioral health that the Partnership
8 deems necessary.

9 (6) (Blank).

10 The Partnership may designate a fiscal and administrative
11 agent that can accept funds to carry out its duties as outlined
12 in this Section.

13 The Department of Public Health shall provide technical
14 and administrative support for the Partnership.

15 (e) The Partnership may accept monetary gifts or grants
16 from the federal government or any agency thereof, from any
17 charitable foundation or professional association, or from any
18 reputable source for implementation of any program necessary
19 or desirable to carry out the powers and duties as defined
20 under this Section.

21 (f) On or before January 1, 2027, the Partnership shall
22 submit recommendations to the Governor and General Assembly
23 that includes recommended updates to the Act to reflect the
24 current mental health landscape in this State.

25 (Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21;
26 102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; 103-154, eff.

1 6-30-23; 103-594, eff. 6-25-24; 103-885, eff. 8-9-24; revised
2 10-9-24.)

3 Section 925. The First Responder Mental Health Grant
4 Program Act is amended by changing Section 10 as follows:

5 (405 ILCS 135/10)

6 Sec. 10. Definitions. In this Act:

7 "Behavioral health" means mental health, health relating
8 to substance use, or both.

9 "Behavioral health care" means services, treatment,
10 medication, and other measures to overcome, mitigate, or
11 prevent a behavioral health issue. These services, treatment,
12 medication, and other measures qualify as "behavioral health
13 care" even if there is no formal diagnosis of a specific
14 condition.

15 "Department" means the Department of Human Services.

16 "First responder" means a law enforcement officer,
17 firefighter, emergency medical services personnel as defined
18 in Section 3.5 of the Emergency Medical Services (EMS) Systems
19 Act, or public safety telecommunicator as defined in Section 2
20 of the Emergency Telephone System ~~Systems~~ Act.

21 "Record" means any record kept by a therapist or by an
22 agency in the course of providing behavioral health care to a
23 first responder concerning the first responder and the
24 services provided. "Record" includes the personal notes of the

1 therapist or agency. "Record" includes all records maintained
2 by a court that have been created in connection with, in
3 preparation for, or as a result of the filing of any petition
4 or certificate under Chapter II, Chapter III, or Chapter IV of
5 the Mental Health and Developmental Disabilities Code and
6 includes the petitions, certificates, dispositional reports,
7 treatment plans, and reports of diagnostic evaluations and of
8 hearings under Article VIII of Chapter III or under Article V
9 of Chapter IV of that Code. "Record" does not include
10 information that has been de-identified in accordance with
11 HIPAA, as specified in 45 CFR 164.514. "Record" does not
12 include a reference to the receipt of behavioral health care
13 noted during a patient history and physical or other summary
14 of care.

15 (Source: P.A. 102-911, eff. 1-1-23; revised 7-22-24.)

16 Section 930. The AIDS Confidentiality Act is amended by
17 changing Section 3 as follows:

18 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

19 Sec. 3. Definitions. When used in this Act:

20 (a) "AIDS" means acquired immunodeficiency syndrome.

21 (b) "Authority" means the Illinois Health Information
22 Exchange Authority established pursuant to the Illinois Health
23 Information Exchange and Technology Act.

24 (c) "Business associate" has the meaning ascribed to it

1 under HIPAA, as specified in 45 CFR 160.103.

2 (d) "Covered entity" has the meaning ascribed to it under
3 HIPAA, as specified in 45 CFR 160.103.

4 (e) "De-identified information" means health information
5 that is not individually identifiable as described under
6 HIPAA, as specified in 45 CFR 164.514(b).

7 (f) "Department" means the Illinois Department of Public
8 Health or its designated agents.

9 (g) "Disclosure" has the meaning ascribed to it under
10 HIPAA, as specified in 45 CFR 160.103.

11 (h) "Health care operations" has the meaning ascribed to
12 it under HIPAA, as specified in 45 CFR 164.501.

13 (i) "Health care professional" means (i) a licensed
14 physician, (ii) a licensed physician assistant, (iii) a
15 licensed advanced practice registered nurse, (iv) an advanced
16 practice registered nurse or physician assistant who practices
17 in a hospital or ambulatory surgical treatment center and
18 possesses appropriate clinical privileges, (v) a licensed
19 dentist, (vi) a licensed podiatric physician, or (vii) an
20 individual certified to provide HIV testing and counseling by
21 a State ~~state~~ or local public health department.

22 (j) "Health care provider" has the meaning ascribed to it
23 under HIPAA, as specified in 45 CFR 160.103.

24 (k) "Health facility" means a hospital, nursing home,
25 blood bank, blood center, sperm bank, or other health care
26 institution, including any "health facility" as that term is

1 defined in the Illinois Finance Authority Act.

2 (l) "Health information exchange" or "HIE" means a health
3 information exchange or health information organization that
4 oversees and governs the electronic exchange of health
5 information. In certain circumstances, in accordance with
6 HIPAA, an HIE will be a business associate.

7 (m) "Health oversight agency" has the meaning ascribed to
8 it under HIPAA, as specified in 45 CFR 164.501.

9 (n) "HIPAA" means the Health Insurance Portability and
10 Accountability Act of 1996, Public Law 104-191, as amended by
11 the Health Information Technology for Economic and Clinical
12 Health Act of 2009, Public Law 111-05, and any subsequent
13 amendments thereto and any regulations promulgated thereunder.

14 (o) "HIV" means the human immunodeficiency virus.

15 (p) "HIV-related information" means the identity of a
16 person upon whom an HIV test is performed, the results of an
17 HIV test, as well as diagnosis, treatment, and prescription
18 information that reveals a patient is HIV-positive, including
19 such information contained in a limited data set. "HIV-related
20 information" does not include information that has been
21 de-identified in accordance with HIPAA.

22 (q) "Informed consent" means:

23 (1) where a health care provider, health care
24 professional, or health facility has implemented opt-in
25 testing, a process by which an individual or the
26 individual's ~~their~~ legal representative receives pre-test

1 information, has an opportunity to ask questions, and
2 consents verbally or in writing to the test without undue
3 inducement or any element of force, fraud, deceit, duress,
4 or other form of constraint or coercion; or

5 (2) where a health care provider, health care
6 professional, or health facility has implemented opt-out
7 testing, the individual or the individual's ~~their~~ legal
8 representative has been notified verbally or in writing
9 that the test is planned, has received pre-test
10 information, has been given the opportunity to ask
11 questions and the opportunity to decline testing, and has
12 not declined testing; where such notice is provided,
13 consent for opt-out HIV testing may be incorporated into
14 the patient's general consent for medical care on the same
15 basis as are other screening or diagnostic tests; a
16 separate consent for opt-out HIV testing is not required.

17 In addition, where the person providing informed consent
18 is a participant in an HIE, informed consent requires a fair
19 explanation that the results of the patient's HIV test will be
20 accessible through an HIE and meaningful disclosure of the
21 patient's opt-out right under Section 9.6 of this Act.

22 A health care provider, health care professional, or
23 health facility undertaking an informed consent process for
24 HIV testing under this subsection may combine a form used to
25 obtain informed consent for HIV testing with forms used to
26 obtain written consent for general medical care or any other

1 medical test or procedure, provided that the forms make it
2 clear that the subject may consent to general medical care,
3 tests, or procedures without being required to consent to HIV
4 testing, and clearly explain how the subject may decline HIV
5 testing. Health facility clerical staff or other staff
6 responsible for the consent form for general medical care may
7 obtain consent for HIV testing through a general consent form.

8 (r) "Limited data set" has the meaning ascribed to it
9 under HIPAA, as described in 45 CFR 164.514(e)(2).

10 (s) "Minimum necessary" means the HIPAA standard for
11 using, disclosing, and requesting protected health information
12 found in 45 CFR 164.502(b) and 164.514(d).

13 (s-1) "Opt-in testing" means an approach where an HIV test
14 is presented by offering the test and the patient accepts or
15 declines testing.

16 (s-3) "Opt-out testing" means an approach where an HIV
17 test is presented such that a patient is notified that HIV
18 testing may occur unless the patient declines.

19 (t) "Organized health care arrangement" has the meaning
20 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

21 (u) "Patient safety activities" has the meaning ascribed
22 to it under 42 CFR 3.20.

23 (v) "Payment" has the meaning ascribed to it under HIPAA,
24 as specified in 45 CFR 164.501.

25 (w) "Person" includes any natural person, partnership,
26 association, joint venture, trust, governmental entity, public

1 or private corporation, health facility, or other legal
2 entity.

3 (w-5) "Pre-test information" means:

4 (1) a reasonable explanation of the test, including
5 its purpose, potential uses, limitations, and the meaning
6 of its results; and

7 (2) a reasonable explanation of the procedures to be
8 followed, including the voluntary nature of the test, the
9 availability of a qualified person to answer questions,
10 the right to withdraw consent to the testing process at
11 any time, the right to anonymity to the extent provided by
12 law with respect to participation in the test and
13 disclosure of test results, and the right to confidential
14 treatment of information identifying the subject of the
15 test and the results of the test, to the extent provided by
16 law.

17 Pre-test information may be provided in writing, verbally,
18 or by video, electronic, or other means and may be provided as
19 designated by the supervising health care professional or the
20 health facility.

21 For the purposes of this definition, a qualified person to
22 answer questions is a health care professional or, when acting
23 under the supervision of a health care professional, a
24 registered nurse, medical assistant, or other person
25 determined to be sufficiently knowledgeable about HIV testing,
26 its purpose, potential uses, limitations, the meaning of the

1 test results, and the testing procedures in the professional
2 judgment of a supervising health care professional or as
3 designated by a health care facility.

4 (x) "Protected health information" has the meaning
5 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

6 (y) "Research" has the meaning ascribed to it under HIPAA,
7 as specified in 45 CFR 164.501.

8 (z) "State agency" means an instrumentality of the State
9 of Illinois and any instrumentality of another state that,
10 pursuant to applicable law or a written undertaking with an
11 instrumentality of the State of Illinois, is bound to protect
12 the privacy of HIV-related information of Illinois persons.

13 (aa) "Test" or "HIV test" means a test to determine the
14 presence of the antibody or antigen to HIV, or of HIV
15 infection.

16 (bb) "Treatment" has the meaning ascribed to it under
17 HIPAA, as specified in 45 CFR 164.501.

18 (cc) "Use" has the meaning ascribed to it under HIPAA, as
19 specified in 45 CFR 160.103, where context dictates.

20 (Source: P.A. 103-508, eff. 8-4-23; revised 7-19-24.)

21 Section 935. The Genetic Information Privacy Act is
22 amended by changing Section 10 as follows:

23 (410 ILCS 513/10)

24 Sec. 10. Definitions. As used in this Act:

1 "Business associate" has the meaning ascribed to it under
2 HIPAA, as specified in 45 CFR 160.103.

3 "Covered entity" has the meaning ascribed to it under
4 HIPAA, as specified in 45 CFR 160.103.

5 "De-identified information" means health information that
6 is not individually identifiable as described under HIPAA, as
7 specified in 45 CFR 164.514(b).

8 "Disclosure" has the meaning ascribed to it under HIPAA,
9 as specified in 45 CFR 160.103.

10 "Employer" means the State of Illinois, any unit of local
11 government, and any board, commission, department,
12 institution, or school district, any party to a public
13 contract, any joint apprenticeship or training committee
14 within the State, and every other person employing employees
15 within the State.

16 "Employment agency" means both public and private
17 employment agencies and any person, labor organization, or
18 labor union having a hiring hall or hiring office regularly
19 undertaking, with or without compensation, to procure
20 opportunities to work, or to procure, recruit, refer, or place
21 employees.

22 "Family member" means, with respect to an individual, (i)
23 the spouse of the individual; (ii) a dependent child of the
24 individual, including a child who is born to or placed for
25 adoption with the individual; (iii) any other person
26 qualifying as a covered dependent under a managed care plan;

1 and (iv) all other individuals related by blood or law to the
2 individual or the spouse or child described in subsections (i)
3 through (iii) of this definition.

4 "Genetic information" has the meaning ascribed to it under
5 HIPAA, as specified in 45 CFR 160.103.

6 "Genetic monitoring" means the periodic examination of
7 employees to evaluate acquired modifications to their genetic
8 material, such as chromosomal damage or evidence of increased
9 occurrence of mutations that may have developed in the course
10 of employment due to exposure to toxic substances in the
11 workplace in order to identify, evaluate, and respond to
12 effects of or control adverse environmental exposures in the
13 workplace.

14 "Genetic services" has the meaning ascribed to it under
15 HIPAA, as specified in 45 CFR 160.103.

16 "Genetic testing" and "genetic test" have the meaning
17 ascribed to "genetic test" under HIPAA, as specified in 45 CFR
18 160.103. "Genetic testing" includes direct-to-consumer
19 commercial genetic testing.

20 "Health care operations" has the meaning ascribed to it
21 under HIPAA, as specified in 45 CFR 164.501.

22 "Health care professional" means (i) a licensed physician,
23 (ii) a licensed physician assistant, (iii) a licensed advanced
24 practice registered nurse, (iv) a licensed dentist, (v) a
25 licensed podiatric physician ~~podiatrist~~, (vi) a licensed
26 genetic counselor, or (vii) an individual certified to provide

1 genetic testing by a state or local public health department.

2 "Health care provider" has the meaning ascribed to it
3 under HIPAA, as specified in 45 CFR 160.103.

4 "Health facility" means a hospital, blood bank, blood
5 center, sperm bank, or other health care institution,
6 including any "health facility" as that term is defined in the
7 Illinois Finance Authority Act.

8 "Health information exchange" or "HIE" means a health
9 information exchange or health information organization that
10 exchanges health information electronically. In certain
11 circumstances, in accordance with HIPAA, an HIE will be a
12 business associate.

13 "Health oversight agency" has the meaning ascribed to it
14 under HIPAA, as specified in 45 CFR 164.501.

15 "HIPAA" means the Health Insurance Portability and
16 Accountability Act of 1996, Public Law 104-191, as amended by
17 the Health Information Technology for Economic and Clinical
18 Health Act of 2009, Public Law 111-05, and any subsequent
19 amendments thereto and any regulations promulgated thereunder.

20 "Insurer" means (i) an entity that is subject to the
21 jurisdiction of the Director of Insurance and (ii) a managed
22 care plan.

23 "Labor organization" includes any organization, labor
24 union, craft union, or any voluntary unincorporated
25 association designed to further the cause of the rights of
26 union labor that is constituted for the purpose, in whole or in

1 part, of collective bargaining or of dealing with employers
2 concerning grievances, terms or conditions of employment, or
3 apprenticeships or applications for apprenticeships, or of
4 other mutual aid or protection in connection with employment,
5 including apprenticeships or applications for apprenticeships.

6 "Licensing agency" means a board, commission, committee,
7 council, department, or officers, except a judicial officer,
8 in this State or any political subdivision authorized to
9 grant, deny, renew, revoke, suspend, annul, withdraw, or amend
10 a license or certificate of registration.

11 "Limited data set" has the meaning ascribed to it under
12 HIPAA, as described in 45 CFR 164.514(e) (2).

13 "Managed care plan" means a plan that establishes,
14 operates, or maintains a network of health care providers that
15 have entered into agreements with the plan to provide health
16 care services to enrollees where the plan has the ultimate and
17 direct contractual obligation to the enrollee to arrange for
18 the provision of or pay for services through:

19 (1) organizational arrangements for ongoing quality
20 assurance, utilization review programs, or dispute
21 resolution; or

22 (2) financial incentives for persons enrolled in the
23 plan to use the participating providers and procedures
24 covered by the plan.

25 A managed care plan may be established or operated by any
26 entity including a licensed insurance company, hospital or

1 medical service plan, health maintenance organization, limited
2 health service organization, preferred provider organization,
3 third party administrator, or an employer or employee
4 organization.

5 "Minimum necessary" means HIPAA's standard for using,
6 disclosing, and requesting protected health information found
7 in 45 CFR 164.502(b) and 164.514(d).

8 "Nontherapeutic purpose" means a purpose that is not
9 intended to improve or preserve the life or health of the
10 individual whom the information concerns.

11 "Organized health care arrangement" has the meaning
12 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

13 "Patient safety activities" has the meaning ascribed to it
14 under 42 CFR 3.20.

15 "Payment" has the meaning ascribed to it under HIPAA, as
16 specified in 45 CFR 164.501.

17 "Person" includes any natural person, partnership,
18 association, joint venture, trust, governmental entity, public
19 or private corporation, health facility, or other legal
20 entity.

21 "Protected health information" has the meaning ascribed to
22 it under HIPAA, as specified in 45 CFR 164.103.

23 "Research" has the meaning ascribed to it under HIPAA, as
24 specified in 45 CFR 164.501.

25 "State agency" means an instrumentality of the State of
26 Illinois and any instrumentality of another state which

1 pursuant to applicable law or a written undertaking with an
2 instrumentality of the State of Illinois is bound to protect
3 the privacy of genetic information of Illinois persons.

4 "Treatment" has the meaning ascribed to it under HIPAA, as
5 specified in 45 CFR 164.501.

6 "Use" has the meaning ascribed to it under HIPAA, as
7 specified in 45 CFR 160.103, where context dictates.

8 (Source: P.A. 103-508, eff. 8-4-23; revised 7-19-24.)

9 Section 940. The Illinois Food, Drug and Cosmetic Act is
10 amended by changing Section 3.22 as follows:

11 (410 ILCS 620/3.22) (from Ch. 56 1/2, par. 503.22)

12 Sec. 3.22. (a) Whoever knowingly distributes, or possesses
13 with intent to distribute, human growth hormone for any use in
14 humans other than the treatment of a disease or other
15 recognized medical condition, where the use has been
16 authorized by the Secretary of Health and Human Services and
17 under the order of a physician, is guilty of a Class 3 felony,
18 and may be fined an amount not to exceed \$50,000. As used in
19 this Section, the term "human growth hormone" means somatrem,
20 somatropin, or an analog ~~analogue~~ of either of them.

21 (b) Whoever distributes, or possesses with intent to
22 distribute, a synthetic drug product or a drug that is
23 misbranded under this Act is guilty of a Class 2 felony and may
24 be fined an amount not to exceed \$100,000. A person convicted

1 of a second or subsequent violation of this Section is guilty
2 of a Class 1 felony, the fine for which shall not exceed
3 \$250,000.

4 (c) Whoever falsely advertises a synthetic drug product is
5 guilty of a Class 3 felony and may be fined an amount not to
6 exceed \$100,000.

7 (d) Whoever commits any offense set forth in this Section
8 and the offense involves an individual under 18 years of age is
9 punishable by not more than 10 years imprisonment, and twice
10 the fine authorized above. Any conviction for a violation of
11 this Section shall be considered a violation of the Illinois
12 Controlled Substances Act for the purposes of forfeiture under
13 Section 505 of such Act.

14 (e) Any person convicted under this Section is subject to
15 the forfeiture provisions set forth in subsections (c), (d),
16 (e), (f), (g), (h), and (i) of Section 3.23 of this Act.

17 (Source: P.A. 97-872, eff. 7-31-12; revised 7-19-24.)

18 Section 945. The Food Handling Regulation Enforcement Act
19 is amended by changing Section 4 as follows:

20 (410 ILCS 625/4)

21 Sec. 4. Cottage food operation.

22 (a) For the purpose of this Section:

23 A food is "acidified" if: (i) acid or acid ingredients are
24 added to it to produce a final equilibrium pH of 4.6 or below

1 and a water activity greater than 0.85; or (ii) it is fermented
2 to produce a final equilibrium pH of 4.6 or below.

3 "Canned food" means food that has been heat processed
4 sufficiently under United States Department of Agriculture
5 guidelines to enable storing the food at normal home
6 temperatures.

7 "Cottage food operation" means an operation conducted by a
8 person who produces or packages food or drink, other than
9 foods and drinks listed as prohibited in paragraph (1.5) of
10 subsection (b) of this Section, in a kitchen located in that
11 person's primary domestic residence or another appropriately
12 designed and equipped kitchen on a farm for direct sale by the
13 owner, a family member, or an employee.

14 "Cut leafy greens" means fresh leafy greens whose leaves
15 have been cut, shredded, sliced, chopped, or torn. "Cut leafy
16 greens" does not mean cut-to-harvest leafy greens.

17 "Department" means the Department of Public Health.

18 "Employee" means a person who is employed by and receives
19 monetary compensation from a cottage food operator.

20 "Equilibrium pH" means the final potential of hydrogen
21 measured in an acidified food after all the components of the
22 food have achieved the same acidity.

23 "Farmers' market" means a common facility or area where
24 farmers gather to sell a variety of fresh fruits and
25 vegetables and other locally produced farm and food products
26 directly to consumers.

1 "Leafy greens" includes iceberg lettuce; romaine lettuce;
2 leaf lettuce; butter lettuce; baby leaf lettuce, such as
3 immature lettuce or leafy greens; escarole; endive; spring
4 mix; spinach; cabbage; kale; arugula; and chard. "Leafy
5 greens" does not include microgreens or herbs such as cilantro
6 or parsley.

7 "Local health department" means a State-certified health
8 department of a unit of local government in which a cottage
9 food operation is located or, if the cottage food operation is
10 located in a county that does not have a local health
11 department, is registered.

12 "Local public health department association" means an
13 association solely representing 2 or more State-certified
14 local health departments.

15 "Low-acid canned food" means any canned food with a
16 finished equilibrium pH greater than 4.6 and a water activity
17 greater than 0.85.

18 "Microgreen" means an edible plant seedling grown in soil
19 or substrate and harvested above the soil or substrate line.

20 "Mobile farmers markets" means a farmers market that is
21 operated from a movable motor drive or propelled vehicle or
22 trailer that can change location, including a farmers market
23 that is owned and operated by a farmer or a third party selling
24 products on behalf of farmers or cottage food operations with
25 the intent of a direct sale to an end consumer.

26 "Sprout" means any seedling intended for human consumption

1 that was produced in a manner that does not meet the definition
2 of microgreen.

3 "Time/temperature control for safety food" means a food
4 that is stored under time or temperature control for food
5 safety according to the Department's administrative rules.

6 (b) A cottage food operation may produce homemade food and
7 drink provided that all of the following conditions are met:

8 (1) (Blank).

9 (1.3) A cottage food operation must register with the
10 local health department for the unit of local government
11 in which it is located, but may sell products outside of
12 the unit of local government where the cottage food
13 operation is located. If a county does not have a local
14 health department, the county shall enter into an
15 agreement or contract with a local health department in an
16 adjacent county to register cottage food operations in the
17 jurisdiction of the county that does not have a health
18 department. The adjacent local health department where the
19 cottage food operation registers has the powers described
20 in subsection (d). A copy of the certificate of
21 registration must be available upon request by any local
22 health department.

23 (1.5) A cottage food operation shall not sell or offer
24 to sell the following food items or processed foods
25 containing the following food items, except as indicated:

26 (A) meat, poultry, fish, seafood, or shellfish;

1 (B) dairy, except as an ingredient in a baked good
2 or candy that is not a time/temperature control for
3 safety food, such as caramel, subject to paragraph
4 (4), or as an ingredient in a baked good frosting, such
5 as buttercream;

6 (C) eggs, except as an ingredient in a food that is
7 not a time/temperature control for safety food,
8 including dry noodles, or as an ingredient in a baked
9 good frosting, such as buttercream, if the eggs are
10 not raw;

11 (D) pumpkin pies, sweet potato pies, cheesecakes,
12 custard pies, creme pies, and pastries with
13 time/temperature control for safety foods that are
14 fillings or toppings;

15 (E) garlic in oil or oil infused with garlic,
16 except if the garlic oil is acidified;

17 (F) low-acid canned foods;

18 (G) sprouts;

19 (H) cut leafy greens, except for cut leafy greens
20 that are dehydrated, acidified, or blanched and
21 frozen;

22 (I) cut or pureed fresh tomato or melon;

23 (J) dehydrated tomato or melon;

24 (K) frozen cut melon;

25 (L) wild-harvested, non-cultivated mushrooms;

26 (M) alcoholic beverages; or

1 (N) kombucha.

2 (1.6) In order to sell canned tomatoes or a canned
3 product containing tomatoes, a cottage food operator shall
4 either:

5 (A) follow exactly a recipe that has been tested
6 by the United States Department of Agriculture or by a
7 state cooperative extension located in this State or
8 any other state in the United States; or

9 (B) submit the recipe, at the cottage food
10 operator's expense, to a commercial laboratory
11 according to the commercial laboratory's directions to
12 test that the product has been adequately acidified;
13 use only the varietal or proportionate varieties of
14 tomato included in the tested recipe for all
15 subsequent batches of such recipe; and provide
16 documentation of the annual test results of the recipe
17 submitted under this subparagraph upon registration
18 and to an inspector upon request during any inspection
19 authorized by subsection (d).

20 (2) In order to sell a fermented or acidified food, a
21 cottage food operation shall either:

22 (A) submit a recipe that has been tested by the
23 United States Department of Agriculture or a
24 cooperative extension system located in this State or
25 any other state in the United States; or

26 (B) submit a written food safety plan for each

1 category of products for which the cottage food
2 operator uses the same procedures, such as pickles,
3 kimchi, or hot sauce, and a pH test for a single
4 product that is representative of that category; the
5 written food safety plan shall be submitted annually
6 upon registration and each pH test shall be submitted
7 every 3 years; the food safety plan shall adhere to
8 guidelines developed by the Department.

9 (3) A fermented or acidified food shall be packaged
10 according to one of the following standards:

11 (A) A fermented or acidified food that is canned
12 must be processed in a boiling water bath in a
13 Mason-style jar or glass container with a
14 tight-fitting lid.

15 (B) A fermented or acidified food that is not
16 canned shall be sold in any container that is new,
17 clean, and seals properly and must be stored,
18 transported, and sold at or below 41 degrees.

19 (4) In order to sell a baked good with cheese, a local
20 health department may require a cottage food operation to
21 submit a recipe, at the cottage food operator's expense,
22 to a commercial laboratory to verify that it is not a
23 time/temperature ~~time or temperature~~ control for safety
24 food before allowing the cottage food operation to sell
25 the baked good as a cottage food.

26 (5) For a cottage food operation that does not utilize

1 a municipal water supply, such as an operation using a
2 private well, a local health department may require a
3 water sample test to verify that the water source being
4 used meets public safety standards related to E. coli
5 coliform. If a test is requested, it must be conducted at
6 the cottage food operator's expense.

7 (6) A person preparing or packaging a product as part
8 of a cottage food operation must be a Department-approved
9 certified food protection manager.

10 (7) Food packaging must conform with the labeling
11 requirements of the Illinois Food, Drug and Cosmetic Act.
12 A cottage food product shall be prepackaged and the food
13 packaging shall be affixed with a prominent label that
14 includes the following:

15 (A) the name of the cottage food operation and
16 unit of local government in which the cottage food
17 operation is located;

18 (B) the identifying registration number provided
19 by the local health department on the certificate of
20 registration and the name of the municipality or
21 county in which the registration was filed;

22 (C) the common or usual name of the food product;

23 (D) all ingredients of the food product, including
24 any color, artificial flavor, and preservative, listed
25 in descending order by predominance of weight shown
26 with the common or usual names;

1 (E) the following phrase in prominent lettering:

2 "This product was produced in a home kitchen not
3 inspected by a health department that may also process
4 common food allergens. If you have safety concerns,
5 contact your local health department.";

6 (F) the date the product was processed; and

7 (G) allergen labeling as specified under federal
8 labeling requirements.

9 (8) Food packaging may include the designation
10 "Illinois-grown", "Illinois-sourced", or "Illinois farm
11 product" if the packaged product is a local farm or food
12 product as that term is defined in Section 5 of the Local
13 Food, Farms, and Jobs Act.

14 (9) In the case of a product that is difficult to
15 properly label or package, or for other reasons, the local
16 health department of the location where the product is
17 sold may grant permission to sell products that are not
18 prepackaged, in which case other prominent written notice
19 shall be provided to the purchaser.

20 (10) At the point of sale, notice must be provided in a
21 prominent location that states the following: "This
22 product was produced in a home kitchen not inspected by a
23 health department that may also process common food
24 allergens." At a physical display, notice shall be a
25 placard. Online, notice shall be a message on the cottage
26 food operation's online sales interface at the point of

1 sale.

2 (11) Food and drink produced by a cottage food
3 operation shall be sold directly to consumers for their
4 own consumption and not for resale. Sales directly to
5 consumers include, but are not limited to, sales at or
6 through:

7 (A) farmers' markets;

8 (B) fairs, festivals, public events, or online;

9 (C) pickup from the private home or farm of the
10 cottage food operator, if the pickup is not prohibited
11 by any law of the unit of local government that applies
12 equally to all cottage food operations; in a
13 municipality with a population of 1,000,000 or more, a
14 cottage food operator shall comply with any law of the
15 municipality that applies equally to all home-based
16 businesses;

17 (D) delivery to the customer;

18 (E) pickup from a third-party private property
19 with the consent of the third-party property holder;
20 and

21 (F) mobile farmers markets.

22 (12) Only food that is not a time/temperature
23 ~~time or temperature~~ control for safety food may be
24 shipped. A cottage food product shall not be shipped out
25 of State. Each cottage food product that is shipped must
26 be sealed in a manner that reveals tampering, including,

1 but not limited to, a sticker or pop top.

2 (13) Alcohol may be used to make extracts, such as
3 vanilla extract, or may be used as an ingredient in baked
4 goods as long as the created product is not intended for
5 use as a beverage.

6 (14) Time/temperature control for safety foods shall
7 be maintained and transported at holding temperatures as
8 set in the Department's administrative rules to ensure the
9 food's safety and limit microorganism growth or toxin
10 formation.

11 (15) A product assessment of pH and water activity may
12 be used to show that a product is non-time or temperature
13 controlled for food safety and does not require
14 temperature control.

15 (c) A local health department shall register any eligible
16 cottage food operation that meets the requirements of this
17 Section and shall issue a certificate of registration with an
18 identifying registration number to each registered cottage
19 food operation. A local health department may establish a
20 self-certification program for cottage food operators to
21 affirm compliance with applicable laws, rules, and
22 regulations. Registration shall be completed annually and the
23 local health department may impose a fee not to exceed \$50.

24 (d) In the event of a consumer complaint or foodborne
25 illness outbreak, upon notice from a different local health
26 department, or if the Department or a local health department

1 has reason to believe that an imminent health hazard exists or
2 that a cottage food operation's product has been found to be
3 misbranded, adulterated, or not in compliance with the
4 conditions for cottage food operations set forth in this
5 Section, the Department or the local health department may:

6 (1) inspect the premises of the cottage food operation
7 in question;

8 (2) set a reasonable fee for the inspection; and

9 (3) invoke penalties and the cessation of the sale of
10 cottage food products until it deems that the situation
11 has been addressed to the satisfaction of the Department
12 or local health department; if the situation is not
13 amenable to being addressed, the local health department
14 may revoke the cottage food operation's registration
15 following a process outlined by the local health
16 department.

17 (e) A local health department that receives a consumer
18 complaint or a report of foodborne illness related to a
19 cottage food operator in another jurisdiction shall refer the
20 complaint or report to the local health department where the
21 cottage food operator is registered.

22 (f) By January 1, 2022, the Department, in collaboration
23 with local public health department associations and other
24 stakeholder groups, shall write and issue administrative
25 guidance to local health departments on the following:

26 (1) development of a standard registration form,

1 including, if applicable, a written food safety plan;

2 (2) development of a Home-Certification Self Checklist
3 Form;

4 (3) development of a standard inspection form and
5 inspection procedures; and

6 (4) procedures for cottage food operation workspaces
7 that include, but are not limited to, cleaning products,
8 general sanitation, and requirements for functional
9 equipment.

10 (g) A person who produces or packages a baked good that is
11 not a time/temperature control for safety food for sale by a
12 religious, charitable, or nonprofit organization for
13 fundraising purposes is exempt from the requirements of this
14 Section.

15 (h) A home rule unit may not regulate cottage food
16 operations in a manner inconsistent with the regulation by the
17 State of cottage food operations under this Section. This
18 Section is a limitation under subsection (i) of Section 6 of
19 Article VII of the Illinois Constitution on the concurrent
20 exercise by home rule units of powers and functions exercised
21 by the State.

22 (i) The Department may adopt rules as may be necessary to
23 implement the provisions of this Section.

24 (Source: P.A. 102-633, eff. 1-1-22; 103-903, eff. 1-1-25;
25 revised 11-25-24.)

1 Section 950. The Cannabis Regulation and Tax Act is
2 amended by changing Sections 7-30, 10-45, 15-20, 15-36, 15-70,
3 and 20-15 as follows:

4 (410 ILCS 705/7-30)

5 Sec. 7-30. Reporting. By January 1, 2021, and on January 1
6 of every year thereafter, or upon request by the Illinois
7 Cannabis Regulation Oversight Officer, each cannabis business
8 establishment licensed under this Act and the Compassionate
9 Use of Medical Cannabis Program Act shall report to the
10 Illinois Cannabis Regulation Oversight Officer, on a form to
11 be provided by the Illinois Cannabis Regulation Oversight
12 Officer, information that will allow it to assess the extent
13 of diversity in the medical and adult use cannabis industry
14 and methods for reducing or eliminating any identified
15 barriers to entry, including access to capital. Failure of a
16 cannabis business establishment to respond to the request of
17 the Cannabis Regulation Oversight Officer to complete the
18 form, report, and any other request for information may be
19 grounds for disciplinary action by the Department of Financial
20 and Professional Regulation or the Department of Agriculture.
21 The information to be collected shall be designed to identify
22 the following:

23 (1) the number and percentage of licenses provided to
24 Social Equity Applicants and to businesses owned by
25 minorities, women, veterans, and people with disabilities;

1 (2) the total number and percentage of employees in
2 the cannabis industry who meet the criteria in item (3)(i)
3 or (3)(ii) in the definition of Social Equity Applicant or
4 who are minorities, women, veterans, or people with
5 disabilities;

6 (3) the total number and percentage of contractors and
7 subcontractors in the cannabis industry that meet the
8 definition of a Social Equity Applicant or who are owned
9 by minorities, women, veterans, or people with
10 disabilities, if known to the cannabis business
11 establishment; and

12 (4) recommendations on reducing or eliminating any
13 identified barriers to entry, including access to capital,
14 in the cannabis industry.

15 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
16 revised 7-19-24.)

17 (410 ILCS 705/10-45)

18 Sec. 10-45. Cannabis Equity Commission.

19 (a) The Cannabis Equity Commission is created and shall
20 reflect the diversity of the State of Illinois, including
21 geographic, racial, and ethnic diversity. The Cannabis Equity
22 Commission shall be responsible for the following:

23 (1) Ensuring that equity goals in the Illinois
24 cannabis industry, as stated in Section 10-40, are met.

25 (2) Tracking and analyzing minorities in the

1 marketplace.

2 (3) Ensuring that revenue is being invested properly
3 into R3 areas under Section 10-40.

4 (4) Recommending changes to make the law more
5 equitable to communities harmed the most by the war on
6 drugs.

7 (5) Create standards to protect true social equity
8 applicants from predatory businesses.

9 (b) The Cannabis Equity Commission's ex officio members
10 shall, within 4 months after March 23, 2021 (the effective
11 date of Public Act 101-658) ~~this amendatory Act of the 101st~~
12 ~~General Assembly~~, convene the Commission to appoint a full
13 Cannabis Equity Commission and oversee, provide guidance to,
14 and develop an administrative structure for the Cannabis
15 Equity Commission. The ex officio members are:

16 (1) The Governor, or his or her designee, who shall
17 serve as chair.

18 (2) The Attorney General, or his or her designee.

19 (3) The Director of Commerce and Economic Opportunity,
20 or his or her designee.

21 (4) The Director of Public Health, or his or her
22 designee.

23 (5) The Director of Corrections, or his or her
24 designee.

25 (6) The Secretary ~~Director~~ of Financial and
26 Professional Regulation, or his or her designee.

1 (7) The Director of Agriculture, or his or her
2 designee.

3 (8) The Executive Director of the Illinois Criminal
4 Justice Information Authority, or his or her designee.

5 (9) The Secretary of Human Services, or his or her
6 designee.

7 (10) A member of the Senate, designated by the
8 President of the Senate.

9 (11) A member of the House of Representatives,
10 designated by the Speaker of the House of Representatives.

11 (12) A member of the Senate, designated by the
12 Minority Leader of the Senate.

13 (13) A member of the House of Representatives,
14 designated by the Minority Leader of the House of
15 Representatives.

16 (c) Within 90 days after the ex officio members convene,
17 the following members shall be appointed to the Commission by
18 the chair:

19 (1) Four community-based providers or community
20 development organization representatives who provide
21 services to treat violence and address the social
22 determinants of health, or promote community investment,
23 including, but not limited to, services such as job
24 placement and training, educational services, workforce
25 development programming, and wealth building. No more than
26 2 community-based organization representatives shall work

1 primarily in Cook County. At least one of the
2 community-based providers shall have expertise in
3 providing services to an immigrant population.

4 (2) Two experts in the field of violence reduction.

5 (3) One male who has previously been incarcerated and
6 is over the age of 24 at the time of appointment.

7 (4) One female who has previously been incarcerated
8 and is over the age of 24 at the time of appointment.

9 (5) Two individuals who have previously been
10 incarcerated and are between the ages of 17 and 24 at the
11 time of appointment.

12 As used in this subsection (c), "an individual who has
13 been previously incarcerated" has the same meaning as defined
14 in paragraph (2) of subsection (e) of Section 10-40.

15 (Source: P.A. 101-658, eff. 3-23-21; revised 7-19-24.)

16 (410 ILCS 705/15-20)

17 Sec. 15-20. Early Approval Adult Use Dispensing
18 Organization License; secondary site.

19 (a) Any medical cannabis dispensing organization holding a
20 valid registration under the Compassionate Use of Medical
21 Cannabis Program Act as of the effective date of this Act may,
22 within 60 days of the effective date of this Act, apply to the
23 Department for an Early Approval Adult Use Dispensing
24 Organization License to operate a dispensing organization to
25 serve purchasers at a secondary site not within 1,500 feet of

1 another medical cannabis dispensing organization or adult use
2 dispensing organization. The Early Approval Adult Use
3 Dispensing Organization secondary site shall be within any BLS
4 Region that shares territory with the dispensing organization
5 district to which the medical cannabis dispensing organization
6 is assigned under the administrative rules for dispensing
7 organizations under the Compassionate Use of Medical Cannabis
8 Program Act.

9 (a-5) If, within 360 days of the effective date of this
10 Act, a dispensing organization is unable to find a location
11 within the BLS Regions prescribed in subsection (a) of this
12 Section in which to operate an Early Approval Adult Use
13 Dispensing Organization at a secondary site because no
14 jurisdiction within the prescribed area allows the operation
15 of an Adult Use ~~Cannabis~~ Dispensing Organization, the
16 Department of Financial and Professional Regulation may waive
17 the geographic restrictions of subsection (a) of this Section
18 and specify another BLS Region into which the dispensary may
19 be placed.

20 (b) (Blank).

21 (c) A medical cannabis dispensing organization seeking
22 issuance of an Early Approval Adult Use Dispensing
23 Organization License at a secondary site to serve purchasers
24 at a secondary site as prescribed in subsection (a) of this
25 Section shall submit an application on forms provided by the
26 Department. The application must meet or include the following

1 qualifications:

2 (1) a payment of a nonrefundable application fee of
3 \$30,000;

4 (2) proof of registration as a medical cannabis
5 dispensing organization that is in good standing;

6 (3) submission of the application by the same person
7 or entity that holds the medical cannabis dispensing
8 organization registration;

9 (4) the legal name of the medical cannabis dispensing
10 organization;

11 (5) the physical address of the medical cannabis
12 dispensing organization and the proposed physical address
13 of the secondary site;

14 (6) a copy of the current local zoning ordinance
15 Sections relevant to dispensary operations and
16 documentation of the approval, the conditional approval or
17 the status of a request for zoning approval from the local
18 zoning office that the proposed dispensary location is in
19 compliance with the local zoning rules;

20 (7) a plot plan of the dispensary drawn to scale. The
21 applicant shall submit general specifications of the
22 building exterior and interior layout;

23 (8) a statement that the dispensing organization
24 agrees to respond to the Department's supplemental
25 requests for information;

26 (9) for the building or land to be used as the proposed

1 dispensary:

2 (A) if the property is not owned by the applicant,
3 a written statement from the property owner and
4 landlord, if any, certifying consent that the
5 applicant may operate a dispensary on the premises; or

6 (B) if the property is owned by the applicant,
7 confirmation of ownership;

8 (10) a copy of the proposed operating bylaws;

9 (11) a copy of the proposed business plan that
10 complies with the requirements in this Act, including, at
11 a minimum, the following:

12 (A) a description of services to be offered; and

13 (B) a description of the process of dispensing
14 cannabis;

15 (12) a copy of the proposed security plan that
16 complies with the requirements in this Article, including:

17 (A) a description of the delivery process by which
18 cannabis will be received from a transporting
19 organization, including receipt of manifests and
20 protocols that will be used to avoid diversion, theft,
21 or loss at the dispensary acceptance point; and

22 (B) the process or controls that will be
23 implemented to monitor the dispensary, secure the
24 premises, agents, patients, and currency, and prevent
25 the diversion, theft, or loss of cannabis; and

26 (C) the process to ensure that access to the

1 restricted access areas is restricted to, registered
2 agents, service professionals, transporting
3 organization agents, Department inspectors, and
4 security personnel;

5 (13) a proposed inventory control plan that complies
6 with this Section;

7 (14) the name, address, social security number, and
8 date of birth of each principal officer and board member
9 of the dispensing organization; each of those individuals
10 shall be at least 21 years of age;

11 (15) a nonrefundable Cannabis Business Development Fee
12 equal to \$200,000, to be deposited into the Cannabis
13 Business Development Fund; and

14 (16) a commitment to completing one of the following
15 Social Equity Inclusion Plans in subsection (d).

16 (d) Before receiving an Early Approval Adult Use
17 Dispensing Organization License at a secondary site, a
18 dispensing organization shall indicate the Social Equity
19 Inclusion Plan that the applicant plans to achieve before the
20 expiration of the Early Approval Adult Use Dispensing
21 Organization License from the list below:

22 (1) make a contribution of 3% of total sales from June
23 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to
24 the Cannabis Business Development Fund. This is in
25 addition to the fee required by paragraph (16) of
26 subsection (c) of this Section;

1 (2) make a grant of 3% of total sales from June 1, 2018
2 to June 1, 2019, or \$100,000, whichever is less, to a
3 cannabis industry training or education program at an
4 Illinois community college as defined in the Public
5 Community College Act;

6 (3) make a donation of \$100,000 or more to a program
7 that provides job training services to persons recently
8 incarcerated or that operates in a Disproportionately
9 Impacted Area;

10 (4) participate as a host in a cannabis business
11 establishment incubator program approved by the Department
12 of Commerce and Economic Opportunity, and in which an
13 Early Approval Adult Use Dispensing Organization License
14 at a secondary site holder agrees to provide a loan of at
15 least \$100,000 and mentorship to incubate, for at least a
16 year, a Social Equity Applicant intending to seek a
17 license or a licensee that qualifies as a Social Equity
18 Applicant. In this paragraph (4), "incubate" means
19 providing direct financial assistance and training
20 necessary to engage in licensed cannabis industry activity
21 similar to that of the host licensee. The Early Approval
22 Adult Use Dispensing Organization License holder or the
23 same entity holding any other licenses issued under this
24 Act shall not take an ownership stake of greater than 10%
25 in any business receiving incubation services to comply
26 with this subsection. If an Early Approval Adult Use

1 Dispensing Organization License at a secondary site holder
2 fails to find a business to incubate in order to comply
3 with this subsection before its Early Approval Adult Use
4 Dispensing Organization License at a secondary site
5 expires, it may opt to meet the requirement of this
6 subsection by completing another item from this subsection
7 before the expiration of its Early Approval Adult Use
8 Dispensing Organization License at a secondary site to
9 avoid a penalty; or

10 (5) participate in a sponsorship program for at least
11 2 years approved by the Department of Commerce and
12 Economic Opportunity in which an Early Approval Adult Use
13 Dispensing Organization License at a secondary site holder
14 agrees to provide an interest-free loan of at least
15 \$200,000 to a Social Equity Applicant. The sponsor shall
16 not take an ownership stake of greater than 10% in any
17 business receiving sponsorship services to comply with
18 this subsection.

19 (e) The license fee required by paragraph (1) of
20 subsection (c) of this Section is in addition to any license
21 fee required for the renewal of a registered medical cannabis
22 dispensing organization license.

23 (f) Applicants must submit all required information,
24 including the requirements in subsection (c) of this Section,
25 to the Department. Failure by an applicant to submit all
26 required information may result in the application being

1 disqualified. Principal officers shall not be required to
2 submit to the fingerprint and background check requirements of
3 Section 5-20.

4 (g) If the Department receives an application that fails
5 to provide the required elements contained in subsection (c),
6 the Department shall issue a deficiency notice to the
7 applicant. The applicant shall have 10 calendar days from the
8 date of the deficiency notice to submit complete information.
9 Applications that are still incomplete after this opportunity
10 to cure may be disqualified.

11 (h) Once all required information and documents have been
12 submitted, the Department will review the application. The
13 Department may request revisions and retains final approval
14 over dispensary features. Once the application is complete and
15 meets the Department's approval, the Department shall
16 conditionally approve the license. Final approval is
17 contingent on the build-out and Department inspection.

18 (i) Upon submission of the Early Approval Adult Use
19 Dispensing Organization at a secondary site application, the
20 applicant shall request an inspection and the Department may
21 inspect the Early Approval Adult Use Dispensing Organization's
22 secondary site to confirm compliance with the application and
23 this Act.

24 (j) The Department shall only issue an Early Approval
25 Adult Use Dispensing Organization License at a secondary site
26 after the completion of a successful inspection.

1 (k) If an applicant passes the inspection under this
2 Section, the Department shall issue the Early Approval Adult
3 Use Dispensing Organization License at a secondary site within
4 10 business days unless:

5 (1) the ~~The~~ licensee, any principal officer or board
6 member of the licensee, or any person having a financial
7 or voting interest of 5% or greater in the licensee is
8 delinquent in filing any required tax returns or paying
9 any amounts owed to the State of Illinois; or

10 (2) the ~~The~~ Secretary of Financial and Professional
11 Regulation determines there is reason, based on documented
12 compliance violations, the licensee is not entitled to an
13 Early Approval Adult Use Dispensing Organization License
14 at its secondary site.

15 (l) Once the Department has issued a license, the
16 dispensing organization shall notify the Department of the
17 proposed opening date.

18 (m) A registered medical cannabis dispensing organization
19 that obtains an Early Approval Adult Use Dispensing
20 Organization License at a secondary site may begin selling
21 cannabis, cannabis-infused products, paraphernalia, and
22 related items to purchasers under the rules of this Act no
23 sooner than January 1, 2020.

24 (n) If there is a shortage of cannabis or cannabis-infused
25 products, a dispensing organization holding both a dispensing
26 organization license under the Compassionate Use of Medical

1 Cannabis Program Act and this Article shall prioritize serving
2 qualifying patients and caregivers before serving purchasers.

3 (o) An Early Approval Adult Use Dispensing Organization
4 License at a secondary site is valid until March 31, 2021. A
5 dispensing organization that obtains an Early Approval Adult
6 Use Dispensing Organization License at a secondary site shall
7 receive written or electronic notice 90 days before the
8 expiration of the license that the license will expire, and
9 inform the license holder that it may renew its Early Approval
10 Adult Use Dispensing Organization License at a secondary site.
11 The Department shall renew an Early Approval Adult Use
12 Dispensing Organization License at a secondary site within 60
13 days of submission of the renewal application being deemed
14 complete if:

15 (1) the dispensing organization submits an application
16 and the required nonrefundable renewal fee of \$30,000, to
17 be deposited into the Cannabis Regulation Fund;

18 (2) the Department has not suspended or permanently
19 revoked the Early Approval Adult Use Dispensing
20 Organization License or a medical cannabis dispensing
21 organization license held by the same person or entity for
22 violating this Act or rules adopted under this Act or the
23 Compassionate Use of Medical Cannabis Program Act or rules
24 adopted under that Act; and

25 (3) the dispensing organization has completed a Social
26 Equity Inclusion Plan provided by paragraph (1), (2), or

1 (3) of subsection (d) of this Section or has made
2 substantial progress toward completing a Social Equity
3 Inclusion Plan provided by paragraph (4) or (5) of
4 subsection (d) of this Section.

5 (p) The Early Approval Adult Use Dispensing Organization
6 Licensee at a secondary site renewed pursuant to subsection
7 (o) shall receive written or electronic notice 90 days before
8 the expiration of the license that the license will expire,
9 and that informs the license holder that it may apply for an
10 Adult Use Dispensing Organization License on forms provided by
11 the Department. The Department shall grant an Adult Use
12 Dispensing Organization License within 60 days of an
13 application being deemed complete if the applicant has meet
14 all of the criteria in Section 15-36.

15 (q) If a dispensing organization fails to submit an
16 application for renewal of an Early Approval Adult Use
17 Dispensing Organization License or for an Adult Use Dispensing
18 Organization License before the expiration dates provided in
19 subsections (o) and (p) of this Section, the dispensing
20 organization shall cease serving purchasers until it receives
21 a renewal or an Adult Use Dispensing Organization License.

22 (r) A dispensing organization agent who holds a valid
23 dispensing organization agent identification card issued under
24 the Compassionate Use of Medical Cannabis Program Act and is
25 an officer, director, manager, or employee of the dispensing
26 organization licensed under this Section may engage in all

1 activities authorized by this Article to be performed by a
2 dispensing organization agent.

3 (s) If the Department suspends, permanently revokes, or
4 otherwise disciplines the Early Approval Adult Use Dispensing
5 Organization License of a dispensing organization that also
6 holds a medical cannabis dispensing organization license
7 issued under the Compassionate Use of Medical Cannabis Program
8 Act, the Department may consider the suspension, permanent
9 revocation, or other discipline as grounds to take
10 disciplinary action against the medical cannabis dispensing
11 organization.

12 (t) All fees collected pursuant to this Section shall be
13 deposited into the Cannabis Regulation Fund, unless otherwise
14 specified.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
16 revised 7-19-24.)

17 (410 ILCS 705/15-36)

18 Sec. 15-36. Adult Use Dispensing Organization License.

19 (a) A person is only eligible to receive an Adult Use
20 Dispensing Organization License if the person has been awarded
21 a Conditional Adult Use Dispensing Organization License
22 pursuant to this Act or has renewed its license pursuant to
23 subsection (k) of Section 15-15 or subsection (p) of Section
24 15-20.

25 (b) The Department shall not issue an Adult Use Dispensing

1 Organization License until:

2 (1) the Department has inspected the dispensary site
3 and proposed operations and verified that they are in
4 compliance with this Act and local zoning laws;

5 (2) the Conditional Adult Use Dispensing Organization
6 License holder has paid a license fee of \$60,000 or a
7 prorated amount accounting for the difference of time
8 between when the Adult Use Dispensing Organization License
9 is issued and March 31 of the next even-numbered year; and

10 (3) the Conditional Adult Use Dispensing Organization
11 License holder has met all the requirements in this Act
12 and rules.

13 (c) No person or entity shall hold any legal, equitable,
14 ownership, or beneficial interest, directly or indirectly, of
15 more than 10 dispensing organizations licensed under this
16 Article. Further, no person or entity that is:

17 (1) employed by, is an agent of, or participates in
18 the management of a dispensing organization or registered
19 medical cannabis dispensing organization;

20 (2) a principal officer of a dispensing organization
21 or registered medical cannabis dispensing organization; or

22 (3) an entity controlled by or affiliated with a
23 principal officer of a dispensing organization or
24 registered medical cannabis dispensing organization;

25 shall hold any legal, equitable, ownership, or beneficial
26 interest, directly or indirectly, in a dispensing organization

1 that would result in such person or entity owning or
2 participating in the management of more than 10 Early Approval
3 Adult Use Dispensing Organization Licenses, Early Approval
4 Adult Use Dispensing Organization Licenses at a secondary
5 site, Conditional Adult Use Dispensing Organization Licenses,
6 or Adult Use Dispensing Organization Licenses. For the purpose
7 of this subsection, participating in management may include,
8 without limitation, controlling decisions regarding staffing,
9 pricing, purchasing, marketing, store design, hiring, and
10 website design.

11 (d) The Department shall deny an application if granting
12 that application would result in a person or entity obtaining
13 direct or indirect financial interest in more than 10 Early
14 Approval Adult Use Dispensing Organization Licenses,
15 Conditional Adult Use Dispensing Organization Licenses, Adult
16 Use Dispensing Organization Licenses, or any combination
17 thereof. If a person or entity is awarded a Conditional Adult
18 Use Dispensing Organization License that would cause the
19 person or entity to be in violation of this subsection, he,
20 she, or it shall choose which license application it wants to
21 abandon and such licenses shall become available to the next
22 qualified applicant in the region in which the abandoned
23 license was awarded.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
25 revised 7-19-24.)

1 (410 ILCS 705/15-70)

2 Sec. 15-70. Operational requirements; prohibitions.

3 (a) A dispensing organization shall operate in accordance
4 with the representations made in its application and license
5 materials. It shall be in compliance with this Act and rules.

6 (b) A dispensing organization must include the legal name
7 of the dispensary on the packaging of any cannabis product it
8 sells.

9 (c) All cannabis, cannabis-infused products, and cannabis
10 seeds must be obtained from an Illinois registered adult use
11 cultivation center, craft grower, infuser, or another
12 dispensary.

13 (d) Dispensing organizations are prohibited from selling
14 any product containing alcohol except tinctures, which must be
15 limited to containers that are no larger than 100 milliliters.

16 (e) A dispensing organization shall inspect and count
17 product received from a transporting organization, adult use
18 cultivation center, craft grower, infuser organization, or
19 other dispensing organization before dispensing it.

20 (f) A dispensing organization may only accept cannabis
21 deliveries into a restricted access area. Deliveries may not
22 be accepted through the public or limited access areas unless
23 otherwise approved by the Department.

24 (g) A dispensing organization shall maintain compliance
25 with State and local building, fire, and zoning requirements
26 or regulations.

1 (h) A dispensing organization shall submit a list to the
2 Department of the names of all service professionals that will
3 work at the dispensary. The list shall include a description
4 of the type of business or service provided. Changes to the
5 service professional list shall be promptly provided. No
6 service professional shall work in the dispensary until the
7 name is provided to the Department on the service professional
8 list.

9 (i) A dispensing organization's license allows for a
10 dispensary to be operated only at a single location.

11 (j) A dispensary may operate between 6 a.m. and 10 p.m.
12 local time.

13 (k) A dispensing organization must keep all lighting
14 outside and inside the dispensary in good working order and
15 wattage sufficient for security cameras.

16 (l) A dispensing organization must keep all air treatment
17 systems that will be installed to reduce odors in good working
18 order.

19 (m) A dispensing organization must contract with a private
20 security contractor that is licensed under Section 10-5 of the
21 Private Detective, Private Alarm, Private Security,
22 Fingerprint Vendor, and Locksmith Act of 2004 to provide
23 on-site security at all hours of the dispensary's operation.

24 (n) A dispensing organization shall ensure that any
25 building or equipment used by a dispensing organization for
26 the storage or sale of cannabis is maintained in a clean and

1 sanitary condition.

2 (o) The dispensary shall be free from infestation by
3 insects, rodents, or pests.

4 (p) A dispensing organization shall not:

5 (1) Produce or manufacture cannabis;

6 (2) Accept a cannabis product from an adult use
7 cultivation center, craft grower, infuser, dispensing
8 organization, or transporting organization unless it is
9 pre-packaged and labeled in accordance with this Act and
10 any rules that may be adopted pursuant to this Act;

11 (3) Obtain cannabis or cannabis-infused products from
12 outside the State of Illinois;

13 (4) Sell cannabis or cannabis-infused products to a
14 purchaser unless the dispensing organization is licensed
15 under the Compassionate Use of Medical Cannabis Program
16 Act, and the individual is registered under the
17 Compassionate Use of Medical Cannabis Program or the
18 purchaser has been verified to be 21 years of age or older;

19 (5) Enter into an exclusive agreement with any adult
20 use cultivation center, craft grower, or infuser.
21 Dispensaries shall provide consumers an assortment of
22 products from various cannabis business establishment
23 licensees such that the inventory available for sale at
24 any dispensary from any single cultivation center, craft
25 grower, processor, transporter, or infuser entity shall
26 not be more than 40% of the total inventory available for

1 sale. For the purpose of this subsection, a cultivation
2 center, craft grower, processor, or infuser shall be
3 considered part of the same entity if the licensees share
4 at least one principal officer. The Department may request
5 that a dispensary diversify its products as needed or
6 otherwise discipline a dispensing organization for
7 violating this requirement;

8 (6) Refuse to conduct business with an adult use
9 cultivation center, craft grower, transporting
10 organization, or infuser that has the ability to properly
11 deliver the product and is permitted by the Department of
12 Agriculture, on the same terms as other adult use
13 cultivation centers, craft growers, infusers, or
14 transporters with whom it is dealing;

15 (7) Operate drive-through windows;

16 (8) Allow for the dispensing of cannabis or
17 cannabis-infused products in vending machines;

18 (9) Transport cannabis to residences or other
19 locations where purchasers may be for delivery;

20 (10) Enter into agreements to allow persons who are
21 not dispensing organization agents to deliver cannabis or
22 to transport cannabis to purchasers;

23 (11) Operate a dispensary if its video surveillance
24 equipment is inoperative;

25 (12) Operate a dispensary if the point-of-sale
26 equipment is inoperative;

1 (13) Operate a dispensary if the State's cannabis
2 electronic verification system is inoperative;

3 (14) Have fewer than 2 people working at the
4 dispensary at any time while the dispensary is open;

5 (15) Be located within 1,500 feet of the property line
6 of a pre-existing dispensing organization, unless the
7 applicant is a Social Equity Applicant or Social Equity
8 Justice Involved Applicant located or seeking to locate
9 within 1,500 feet of a dispensing organization licensed
10 under Section 15-15 or Section 15-20;

11 (16) Sell clones or any other live plant material;

12 (17) Sell cannabis, cannabis concentrate, or
13 cannabis-infused products in combination or bundled with
14 each other or any other items for one price, and each item
15 of cannabis, concentrate, or cannabis-infused product must
16 be separately identified by quantity and price on the
17 receipt;

18 (18) Violate any other requirements or prohibitions
19 set by Department rules.

20 (q) It is unlawful for any person having an Early Approval
21 Adult Use ~~Cannabis~~ Dispensing Organization License, a
22 Conditional Adult Use ~~Cannabis~~ Dispensing Organization
23 License, an Adult Use Dispensing Organization License, or a
24 medical cannabis dispensing organization license issued under
25 the Compassionate Use of Medical Cannabis Program Act or any
26 officer, associate, member, representative, or agent of such

1 licensee to accept, receive, or borrow money or anything else
2 of value or accept or receive credit (other than merchandising
3 credit in the ordinary course of business for a period not to
4 exceed 30 days) directly or indirectly from any adult use
5 cultivation center, craft grower, infuser, or transporting
6 organization in exchange for preferential placement on the
7 dispensing organization's shelves, display cases, or website.
8 This includes anything received or borrowed or from any
9 stockholders, officers, agents, or persons connected with an
10 adult use cultivation center, craft grower, infuser, or
11 transporting organization.

12 (r) It is unlawful for any person having an Early Approval
13 Adult Use ~~Cannabis~~ Dispensing Organization License, a
14 Conditional Adult Use ~~Cannabis~~ Dispensing Organization
15 License, an Adult Use Dispensing Organization License, or a
16 medical cannabis dispensing organization license issued under
17 the Compassionate Use of Medical Cannabis Program to enter
18 into any contract with any person licensed to cultivate,
19 process, or transport cannabis whereby such dispensing
20 organization agrees not to sell any cannabis cultivated,
21 processed, transported, manufactured, or distributed by any
22 other cultivator, transporter, or infuser, and any provision
23 in any contract violative of this Section shall render the
24 whole of such contract void and no action shall be brought
25 thereon in any court.

26 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;

102-98, eff. 7-15-21; revised 7-23-24.)

(410 ILCS 705/20-15)

Sec. 20-15. Conditional Adult Use Cultivation Center application.

(a) If the Department of Agriculture makes available additional cultivation center licenses pursuant to Section 20-5, applicants for a Conditional Adult Use Cultivation Center License shall electronically submit the following in such form as the Department of Agriculture may direct:

(1) the nonrefundable application fee set by rule by the Department of Agriculture, to be deposited into the Cannabis Regulation Fund;

(2) the legal name of the cultivation center;

(3) the proposed physical address of the cultivation center;

(4) the name, address, social security number, and date of birth of each principal officer and board member of the cultivation center; each principal officer and board member shall be at least 21 years of age;

(5) the details of any administrative or judicial proceeding in which any of the principal officers or board members of the cultivation center (i) pled guilty, were convicted, were fined, or had a registration or license suspended or revoked, or (ii) managed or served on the board of a business or non-profit organization that pled

1 guilty, was convicted, was fined, or had a registration or
2 license suspended or revoked;

3 (6) proposed operating bylaws that include procedures
4 for the oversight of the cultivation center, including the
5 development and implementation of a plant monitoring
6 system, accurate recordkeeping, staffing plan, and
7 security plan approved by the Illinois State Police that
8 are in accordance with the rules issued by the Department
9 of Agriculture under this Act. A physical inventory shall
10 be performed of all plants and cannabis on a weekly basis
11 by the cultivation center;

12 (7) verification from the Illinois State Police that
13 all background checks of the prospective principal
14 officers, board members, and agents of the cannabis
15 business establishment have been conducted;

16 (8) a copy of the current local zoning ordinance or
17 permit and verification that the proposed cultivation
18 center is in compliance with the local zoning rules and
19 distance limitations established by the local
20 jurisdiction;

21 (9) proposed employment practices, in which the
22 applicant must demonstrate a plan of action to inform,
23 hire, and educate minorities, women, veterans, and persons
24 with disabilities, engage in fair labor practices, and
25 provide worker protections;

26 (10) whether an applicant can demonstrate experience

1 in or business practices that promote economic empowerment
2 in Disproportionately Impacted Areas;

3 (11) experience with the cultivation of agricultural
4 or horticultural products, operating an agriculturally
5 related business, or operating a horticultural business;

6 (12) a description of the enclosed, locked facility
7 where cannabis will be grown, harvested, manufactured,
8 processed, packaged, or otherwise prepared for
9 distribution to a dispensing organization;

10 (13) a survey of the enclosed, locked facility,
11 including the space used for cultivation;

12 (14) cultivation, processing, inventory, and packaging
13 plans;

14 (15) a description of the applicant's experience with
15 agricultural cultivation techniques and industry
16 standards;

17 (16) a list of any academic degrees, certifications,
18 or relevant experience of all prospective principal
19 officers, board members, and agents of the related
20 business;

21 (17) the identity of every person having a financial
22 or voting interest of 5% or greater in the cultivation
23 center operation with respect to which the license is
24 sought, whether a trust, corporation, partnership, limited
25 liability company, or sole proprietorship, including the
26 name and address of each person;

1 (18) a plan describing how the cultivation center will
2 address each of the following:

3 (i) energy needs, including estimates of monthly
4 electricity and gas usage, to what extent it will
5 procure energy from a local utility or from on-site
6 generation, and if it has or will adopt a sustainable
7 energy use and energy conservation policy;

8 (ii) water needs, including estimated water draw
9 and if it has or will adopt a sustainable water use and
10 water conservation policy; and

11 (iii) waste management, including if it has or
12 will adopt a waste reduction policy;

13 (19) a diversity plan that includes a narrative of not
14 more than 2,500 words that establishes a goal of diversity
15 in ownership, management, employment, and contracting to
16 ensure that diverse participants and groups are afforded
17 equality of opportunity;

18 (20) any other information required by rule;

19 (21) a recycling plan:

20 (A) Purchaser packaging, including cartridges,
21 shall be accepted by the applicant and recycled.

22 (B) Any recyclable waste generated by the cannabis
23 cultivation facility shall be recycled per applicable
24 State and local laws, ordinances, and rules.

25 (C) Any cannabis waste, liquid waste, or hazardous
26 waste shall be disposed of in accordance with 8 Ill.

1 Adm. Code 1000.460, except, to the greatest extent
2 feasible, all cannabis plant waste will be rendered
3 unusable by grinding and incorporating the cannabis
4 plant waste with compostable mixed waste to be
5 disposed of in accordance with 8 Ill. Adm. Code
6 1000.460(g)(1);

7 (22) commitment to comply with local waste provisions:
8 a cultivation facility must remain in compliance with
9 applicable State and federal environmental requirements,
10 including, but not limited to:

11 (A) storing, securing, and managing all
12 recyclables and waste, including organic waste
13 composed of or containing finished cannabis and
14 cannabis products, in accordance with applicable State
15 and local laws, ordinances, and rules; and

16 (B) disposing liquid waste containing cannabis or
17 byproducts of cannabis processing in compliance with
18 all applicable State and federal requirements,
19 including, but not limited to, the cannabis
20 cultivation facility's permits under Title X of the
21 Environmental Protection Act; and

22 (23) a commitment to a technology standard for
23 resource efficiency of the cultivation center facility.

24 (A) A cannabis cultivation facility commits to use
25 resources efficiently, including energy and water. For
26 the following, a cannabis cultivation facility commits

1 to meet or exceed the technology standard identified
2 in items (i), (ii), (iii), and (iv), which may be
3 modified by rule:

4 (i) lighting systems, including light bulbs;

5 (ii) HVAC system;

6 (iii) water application system to the crop;

7 and

8 (iv) filtration system for removing
9 contaminants from wastewater.

10 (B) Lighting. The Lighting Power Densities (LPD)
11 for cultivation space commits to not exceed an average
12 of 36 watts per gross square foot of active and growing
13 space canopy, or all installed lighting technology
14 shall meet a photosynthetic photon efficacy (PPE) of
15 no less than 2.2 micromoles per joule fixture and
16 shall be featured on the DesignLights Consortium (DLC)
17 Horticultural Specification Qualified Products List
18 (QPL). In the event that DLC requirement for minimum
19 efficacy exceeds 2.2 micromoles per joule fixture,
20 that PPE shall become the new standard.

21 (C) HVAC.

22 (i) For cannabis grow operations with less
23 than 6,000 square feet of canopy, the licensee
24 commits that all HVAC units will be
25 high-efficiency ductless split HVAC units, or
26 other more energy efficient equipment.

1 (ii) For cannabis grow operations with 6,000
2 square feet of canopy or more, the licensee
3 commits that all HVAC units will be variable
4 refrigerant flow HVAC units, or other more energy
5 efficient equipment.

6 (D) Water application.

7 (i) The cannabis cultivation facility commits
8 to use automated watering systems, including, but
9 not limited to, drip irrigation and flood tables,
10 to irrigate cannabis crop.

11 (ii) The cannabis cultivation facility commits
12 to measure runoff from watering events and report
13 this volume in its water usage plan, and that on
14 average, watering events shall have no more than
15 20% of runoff of water.

16 (E) Filtration. The cultivator commits that HVAC
17 condensate, dehumidification water, excess runoff, and
18 other wastewater produced by the cannabis cultivation
19 facility shall be captured and filtered to the best of
20 the facility's ability to achieve the quality needed
21 to be reused in subsequent watering rounds.

22 (F) Reporting energy use and efficiency as
23 required by rule.

24 (b) Applicants must submit all required information,
25 including the information required in Section 20-10, to the
26 Department of Agriculture. Failure by an applicant to submit

1 all required information may result in the application being
2 disqualified.

3 (c) If the Department of Agriculture receives an
4 application with missing information, the Department of
5 Agriculture may issue a deficiency notice to the applicant.
6 The applicant shall have 10 calendar days from the date of the
7 deficiency notice to resubmit the incomplete information.
8 Applications that are still incomplete after this opportunity
9 to cure will not be scored and will be disqualified.

10 (d) (Blank).

11 (e) A cultivation center that is awarded a Conditional
12 Adult Use Cultivation Center License pursuant to the criteria
13 in Section 20-20 shall not grow, purchase, possess, or sell
14 cannabis or cannabis-infused products until the person has
15 received an Adult Use Cultivation Center License issued by the
16 Department of Agriculture pursuant to Section 20-21 of this
17 Act.

18 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
19 102-538, eff. 8-20-21; revised 7-23-24.)

20 Section 955. The Environmental Protection Act is amended
21 by changing Sections 9.2, 12, 12.7, 39.5, 57.4, 57.5, 57.8,
22 57.9, 59.1, 59.9, and 59.10 and by setting forth, renumbering,
23 and changing multiple versions of Section 22.23e as follows:

24 (415 ILCS 5/9.2) (from Ch. 111 1/2, par. 1009.2)

1 Sec. 9.2. Sulfur dioxide emission standards.

2 ~~(a) (Blank.)~~

3 ~~(b)~~ In granting any alternative emission standard or
4 variance relating to sulfur dioxide emissions from a
5 coal-burning stationary source, the Board may require the use
6 of Illinois coal as a condition of such alternative standard
7 or variance, provided that the Board determines that Illinois
8 coal of the proper quality is available and competitive in
9 price; such determination shall include consideration of the
10 cost of pollution control equipment and the economic impact on
11 the Illinois coal mining industry.

12 (Source: P.A. 92-574, eff. 9-26-02; revised 7-24-24.)

13 (415 ILCS 5/12) (from Ch. 111 1/2, par. 1012)

14 Sec. 12. Actions prohibited. No person shall:

15 (a) Cause or threaten or allow the discharge of any
16 contaminants into the environment in any State so as to
17 cause or tend to cause water pollution in Illinois, either
18 alone or in combination with matter from other sources, or
19 so as to violate regulations or standards adopted by the
20 Pollution Control Board under this Act. Notwithstanding
21 any provision of law to the contrary, compliance with the
22 terms and conditions of a permit issued under Section
23 39(b) of this ~~the~~ Act for a permit that authorizes reuse of
24 wastewater for irrigation shall be deemed compliance with
25 this subsection.

1 (b) Construct, install, or operate any equipment,
2 facility, vessel, or aircraft capable of causing or
3 contributing to water pollution, or designed to prevent
4 water pollution, of any type designated by Board
5 regulations, without a permit granted by the Agency, or in
6 violation of any conditions imposed by such permit.

7 (c) Increase the quantity or strength of any discharge
8 of contaminants into the waters, or construct or install
9 any sewer or sewage treatment facility or any new outlet
10 for contaminants into the waters of this State, without a
11 permit granted by the Agency.

12 (d) Deposit any contaminants upon the land in such
13 place and manner so as to create a water pollution hazard.

14 (e) Sell, offer, or use any article in any area in
15 which the Board has by regulation forbidden its sale,
16 offer, or use for reasons of water pollution control.

17 (f) Cause, threaten, or allow the discharge of any
18 contaminant into the waters of the State, as defined
19 herein, including, but not limited to, waters to any
20 sewage works, or into any well or from any point source
21 within the State, without an NPDES permit for point source
22 discharges issued by the Agency under Section 39(b) of
23 this Act, or in violation of any term or condition imposed
24 by such permit, or in violation of any NPDES permit filing
25 requirement established under Section 39(b), or in
26 violation of any regulations adopted by the Board or of

1 any order adopted by the Board with respect to the NPDES
2 program.

3 No permit shall be required under this subsection and
4 under Section 39(b) of this Act for any discharge for
5 which a permit is not required under the Federal Water
6 Pollution Control Act, as now or hereafter amended, and
7 regulations pursuant thereto.

8 For all purposes of this Act, a permit issued by the
9 Administrator of the United States Environmental
10 Protection Agency under Section 402 of the Federal Water
11 Pollution Control Act, as now or hereafter amended, shall
12 be deemed to be a permit issued by the Agency pursuant to
13 Section 39(b) of this Act. However, this shall not apply
14 to the exclusion from the requirement of an operating
15 permit provided under Section 13(b)(i).

16 Compliance with the terms and conditions of any permit
17 issued under Section 39(b) of this Act shall be deemed
18 compliance with this subsection except that it shall not
19 be deemed compliance with any standard or effluent
20 limitation imposed for a toxic pollutant injurious to
21 human health.

22 In any case where a permit has been timely applied for
23 pursuant to Section 39(b) of this Act but final
24 administrative disposition of such application has not
25 been made, it shall not be a violation of this subsection
26 to discharge without such permit unless the complainant

1 proves that final administrative disposition has not been
2 made because of the failure of the applicant to furnish
3 information reasonably required or requested in order to
4 process the application.

5 (g) Cause, threaten, or allow the underground
6 injection of contaminants without a UIC permit issued by
7 the Agency under Section 39(d) of this Act, or in
8 violation of any term or condition imposed by such permit,
9 or in violation of any regulations or standards adopted by
10 the Board or of any order adopted by the Board with respect
11 to the UIC program.

12 No permit shall be required under this subsection and
13 under Section 39(d) of this Act for any underground
14 injection of contaminants for which a permit is not
15 required under Part C of the Safe Drinking Water Act (P.L.
16 93-523), as amended, unless a permit is authorized or
17 required under regulations adopted by the Board pursuant
18 to Section 13 of this Act.

19 (h) Introduce contaminants into a sewage works from
20 any nondomestic source except in compliance with the
21 regulations and standards adopted by the Board under this
22 Act.

23 (i) Beginning January 1, 2013 or 6 months after the
24 date of issuance of a general NPDES permit for surface
25 discharging private sewage disposal systems by the
26 Illinois Environmental Protection Agency or by the United

1 States Environmental Protection Agency, whichever is
2 later, construct or install a surface discharging private
3 sewage disposal system that discharges into the waters of
4 the United States, as that term is used in the Federal
5 Water Pollution Control Act, unless he or she has a
6 coverage letter under a NPDES permit issued by the
7 Illinois Environmental Protection Agency or by the United
8 States Environmental Protection Agency or he or she is
9 constructing or installing the surface discharging private
10 sewage disposal system in a jurisdiction in which the
11 local public health department has a general NPDES permit
12 issued by the Illinois Environmental Protection Agency or
13 by the United States Environmental Protection Agency and
14 the surface discharging private sewage disposal system is
15 covered under the general NPDES permit.

16 (Source: P.A. 103-801, eff. 1-1-25; revised 11-25-24.)

17 (415 ILCS 5/12.7)

18 Sec. 12.7. Wastewater reuse. Notwithstanding any other
19 provision of law, the use of treated municipal wastewater from
20 a publicly owned treatment works is authorized for irrigation
21 when conducted in accordance with a permit issued under
22 Section 39(b) of this ~~the~~ Act.

23 (Source: P.A. 103-801, eff. 1-1-25; revised 12-1-24.)

24 (415 ILCS 5/22.23e)

1 Sec. 22.23e. Paint and paint-related wastes.

2 (a) As used in this Section:

3 "Paint" means a pigmented or unpigmented powder coating,
4 or a pigmented or unpigmented mixture of binder and suitable
5 liquid, that forms an adherent coating when applied to a
6 surface. Powder coating is a surface coating that is applied
7 as a dry powder and is fused into a continuous coating film
8 through the use of heat. "Paint" includes architectural paint
9 as defined in the Paint Stewardship Act.

10 "Paint-related waste" is (i) material contaminated with
11 paint that results from the packaging of paint, wholesale and
12 retail operations, paint manufacturing, and paint application
13 or removal activities or (ii) material derived from the
14 reclamation of paint-related wastes that is recycled in a
15 manner other than burning for energy recovery or used in a
16 manner constituting disposal.

17 (b)(1) Paint and paint-related waste that are hazardous
18 waste are hereby designated as a category of universal waste
19 subject to the streamlined hazardous waste rules set forth in
20 35 Ill. Adm. Code 733. Within 60 days after January 1, 2025
21 (the effective date of Public Act 103-887) ~~this amendatory Act~~
22 ~~of the 103rd General Assembly,~~ the Agency shall propose, and
23 within 180 days after receipt of the Agency's proposal the
24 Board shall adopt, rules that reflect this designation and
25 that prescribe procedures and standards for the management of
26 hazardous waste paint and paint-related waste as a universal

1 waste consistent with the provisions set forth within this
2 Section.

3 (2) If the United States Environmental Protection Agency
4 adopts streamlined hazardous waste regulations pertaining to
5 the management of hazardous waste paint or paint-related
6 waste, or otherwise exempts such paint or paint-related waste
7 from regulation as hazardous waste, the Board shall adopt an
8 equivalent rule in accordance with Section 7.2 of this Act
9 within 180 days of adoption of the federal regulation. The
10 equivalent Board rule may serve as an alternative to the rules
11 adopted under paragraph (1) of this subsection (b).

12 (c) Until the Board adopts rules pursuant to paragraph (1)
13 of subsection (b) that prescribe procedures and standards for
14 the management of hazardous waste paint and paint-related
15 waste by small quantity handlers of universal waste, the
16 following requirements shall apply to small quantity handlers
17 of universal waste managing hazardous waste paint and
18 paint-related waste as a universal waste:

19 (1) Waste Management. A small quantity handler of
20 universal waste shall manage universal waste paint and
21 paint-related waste in a way that prevents releases of any
22 universal waste or any component of universal waste to the
23 environment, including, but not limited to, in accordance
24 with the following requirements:

25 (A) The small quantity handler of universal waste
26 shall collect and store universal waste paint and

1 paint-related waste in containers that are
2 structurally sound, leakproof, and compatible with the
3 universal waste paint and paint-related waste.

4 (B) The small quantity handler of universal waste
5 shall ensure that containers in which the universal
6 waste paint and paint-related waste are contained do
7 not leak and remain closed, except when wastes are
8 being added to or removed from the container.

9 (C) The small quantity handler of universal waste,
10 upon detection of a release of universal waste paint
11 and paint-related waste, shall do the following:

12 (i) Stop the release.

13 (ii) Contain the released universal waste
14 paint and paint-related waste.

15 (iii) Clean up and properly manage the
16 released universal waste paint and paint-related
17 waste and other materials generated from the
18 cleanup.

19 (iv) Remove any leaking container from service
20 by transferring the contents to another container.

21 (v) Repair any leaking container before
22 returning it to service.

23 (D) A small quantity handler of universal waste
24 shall manage universal waste paint and paint-related
25 waste that is ignitable or reactive in accordance with
26 local fire codes.

1 (E) A small quantity handler of universal waste
2 shall manage universal waste paint and paint-related
3 waste that are incompatible in separate containers.

4 (F) A small quantity handler of universal waste
5 shall design, maintain, and operate areas of its
6 facility where universal waste paints and
7 paint-related wastes are collected and stored to
8 minimize the possibility of a fire, explosion, or
9 unplanned sudden or non-sudden release of universal
10 waste or hazardous constituents to air, soil, or
11 surface water which could threaten human health or the
12 environment.

13 (2) Labeling or marking. Each container in which
14 universal waste paint and paint-related waste is
15 accumulated shall be labeled to identify the contents of
16 the container.

17 (3) Accumulation time limits.

18 (A) A small quantity handler of universal waste
19 may accumulate universal waste paint and paint-related
20 waste for no longer than one year from the date the
21 universal waste is generated. However, handlers may
22 accumulate universal waste for longer than one year if
23 the activity is solely for the purpose of accumulating
24 quantities to facilitate proper recovery, treatment,
25 or disposal. The handler bears the burden of proving
26 that this activity is solely for the purpose of

1 accumulation of the quantities of universal waste
2 necessary to facilitate proper recovery, treatment, or
3 disposal.

4 (B) A small quantity handler of universal waste
5 who accumulates universal waste must be able to
6 demonstrate the length of time that the universal
7 waste has been accumulated. The handler may make this
8 demonstration by any of the following methods:

9 (i) placing the universal waste paint and
10 paint-related waste in a container and marking or
11 labeling the container with the earliest date that
12 universal waste paint or paint-related waste in
13 the container became a waste or was received;

14 (ii) marking or labeling each individual item
15 of universal waste paint and paint-related waste
16 with the date the universal waste paint and
17 paint-related waste became a waste or was
18 received;

19 (iii) maintaining an inventory system on-site
20 that identifies the date each unit of universal
21 waste paint and paint-related waste became a waste
22 or was received;

23 (iv) placing universal waste paint and
24 paint-related waste in a specific accumulation
25 area and identifying the earliest date that any of
26 the universal waste paint and paint-related waste

1 in the area became a waste or was received; or

2 (v) any other method that clearly demonstrates
3 the length of time the universal waste paint and
4 paint-related waste have been accumulated from the
5 date they become a waste or are received.

6 (4) Employee training. A small quantity handler of
7 universal waste shall inform all employees who handle or
8 have responsibility for managing universal waste paint and
9 paint-related waste. The information shall describe proper
10 handling and emergency procedures appropriate to the
11 universal waste paint and paint-related waste.

12 (5) Response to releases.

13 (A) A small quantity handler of universal waste
14 must immediately contain all releases of universal
15 waste paint and paint-related waste and other residues
16 from universal waste paint and paint-related waste.

17 (B) A small quantity handler of universal waste
18 must determine whether any material resulting from the
19 release is hazardous waste and, if so, must manage the
20 hazardous waste in compliance with all applicable
21 hazardous waste requirements of this Act and rules
22 adopted under this Act. The handler is considered the
23 generator of the material resulting from the release
24 and must manage the material in compliance with this
25 Act and rules adopted under this Act.

26 (6) Off-site shipments.

1 (A) A small quantity handler of universal waste is
2 prohibited from sending or taking universal waste
3 paint and paint-related waste to a place other than
4 another universal waste handler, a destination
5 facility, or a foreign destination.

6 (B) If a small quantity handler of universal waste
7 self-transport universal waste paint and
8 paint-related waste off-site ~~offsite~~, the handler
9 becomes a universal waste transporter for those
10 self-transportation activities and shall comply with
11 the Board's existing rules for universal waste
12 transporters.

13 (C) If universal waste paint and paint-related
14 waste being offered for off-site transportation meets
15 the definition of hazardous materials under 49 CFR
16 Parts 171 to 180, a small quantity handler of
17 universal waste shall package, label, mark and placard
18 the shipment, and prepare the proper shipping papers
19 in accordance with the applicable United States
20 Department of Transportation regulations under 49 CFR
21 Parts 172 to 180.

22 (D) Prior to sending a shipment of universal waste
23 paint and paint-related waste to another universal
24 waste handler, the originating handler shall ensure
25 that the receiving handler agrees to receive the
26 shipment.

1 (E) If a small quantity handler of universal waste
2 sends a shipment of universal waste paint and
3 paint-related waste to another handler or to a
4 destination facility and if the shipment is rejected
5 by the receiving handler or destination facility, the
6 originating handler shall either:

7 (i) receive the universal waste paint and
8 paint-related waste back when notified that the
9 shipment has been rejected; or

10 (ii) agree with the receiving handler on a
11 destination facility to which the shipment will be
12 sent.

13 (F) A small quantity handler of universal waste
14 may reject a shipment containing universal waste paint
15 and paint-related waste, or a portion of a shipment
16 containing universal waste paint and paint-related
17 waste, received from another handler. If a handler
18 rejects a shipment or a portion of a shipment, the
19 rejecting handler shall contact the originating
20 handler to notify the originating handler of the
21 rejection and to discuss reshipment of the load. The
22 receiving handler shall:

23 (i) send the shipment back to the originating
24 handler; or

25 (ii) if agreed to by both the originating and
26 receiving handler, send the shipment to a

1 destination facility.

2 (G) If a small quantity handler of universal waste
3 receives a shipment of nonhazardous, non-universal
4 waste, the handler may manage the waste in any way that
5 is in compliance with applicable law.

6 (d) Until the Board adopts rules pursuant to subsection
7 (b), the following additional requirements shall apply:

8 (1) Paints and paint-related wastes that are exempt
9 household wastes or very small quantity generator wastes
10 under existing Board rules remain exempt from the
11 hazardous waste rules but may be managed as universal
12 wastes under 35 Ill. Adm. Code 733.108.

13 (2) Universal waste transporters that transport paints
14 or paint-related wastes that are universal wastes are
15 subject to the existing Board rules for universal waste
16 transporters.

17 (3) Universal waste destination facilities that manage
18 paints or paint-related wastes that are universal wastes
19 are subject to the existing Board rules for universal
20 waste destination facilities.

21 (Source: P.A. 103-887, eff. 1-1-25; revised 12-1-24.)

22 (415 ILCS 5/22.23f)

23 Sec. 22.23f ~~22.23e~~. End-of-life electric vehicle and
24 battery electric storage system batteries.

25 (a) In this Section:

1 "Battery energy storage solution facility" or "BESS" means
2 a facility that stores and distributes energy in the form of
3 electricity and that stores electricity using battery devices
4 and other means. "Battery energy storage solution" or "BESS"
5 includes any permanent structures associated with the battery
6 energy storage facility and all associated transmission lines,
7 substations, and other equipment related to the storage and
8 transmission of electric power.

9 "Battery storage site" means a site where used batteries
10 are stored.

11 "Electric vehicle" or "EV" has the same meaning as defined
12 in Section 11-1308 of the Illinois Vehicle Code.

13 "Electric vehicle battery" or "EV battery" means a
14 rechargeable battery that is used to power the electric motors
15 that propel an electric vehicle. "Electric vehicle battery"
16 includes, but is not limited to, lithium-ion batteries and
17 nickel-metal hydride batteries.

18 "Used battery" means an EV battery that is sold, given, or
19 otherwise conveyed to a battery storage site.

20 "Storage" means any accumulation of used batteries that
21 does not constitute disposal.

22 (b) No person shall cause or allow the operation of a
23 battery storage site at which 5,000 kilograms or more of used
24 batteries are stored at any one time unless:

25 (1) the battery storage site is registered with the
26 Agency in accordance with this Section;

1 (2) the owner or operator of the battery storage site
2 maintains records documenting the following:

3 (A) the weight or volume of whole or partial used
4 batteries received at the battery storage site each
5 week;

6 (B) the weight or volume of whole or partial used
7 batteries leaving the battery storage site each week;
8 and

9 (C) the weight or volume of whole or partial used
10 batteries remaining at the battery storage site at the
11 end of each week; and

12 (3) the owner or operator of the battery storage site
13 is an automotive parts recycler as defined in Section
14 1-105.3 of the Illinois Vehicle Code and licensed under
15 Section 5-301 of the Illinois Vehicle Code.

16 The records required under this Section shall be made
17 available for inspection and copying by the Agency during the
18 normal business hours.

19 (c) The owner or operator of each battery storage site in
20 operation prior to February 1, 2026, at which 5,000 kilograms
21 or more of used batteries are stored at any one time, must
22 register with the Agency prior to February 1, 2026 and each
23 February 1 thereafter. Any owners or operators of a battery
24 storage site that comes into operation after February 1, 2026
25 shall register with the Agency prior to commencing operation.
26 Registration must be on forms and in a format prescribed by the

1 Agency. Agency registration forms shall include, at a minimum,
2 information regarding the following:

3 (1) the name and address of the owner and operator of
4 the battery storage site;

5 (2) A description of the operations conducted at the
6 battery storage site;

7 (3) the weight or volume of whole or partial used
8 batteries received at the battery storage site over the
9 past calendar year; and

10 (4) the weight or volume of whole or partial used
11 batteries at the battery storage site at the end of the
12 calendar year.

13 (d) No later than January 1, 2026 (one ~~±~~ year after the
14 effective date of Public Act 103-1006) ~~this amendatory Act~~,
15 the Agency shall propose to the Board, and no later than one
16 year after receipt of the Agency's proposal, the Board shall
17 adopt, rules for the operation of battery storage sites. Such
18 rules shall include, but not be limited to: requirements for
19 end-of-life battery receipt, handling, storage, and transfer;
20 standards for fire prevention; requirements for contingency
21 planning and emergency response; recordkeeping; reporting; and
22 financial assurance.

23 (Source: P.A. 103-1006, eff. 1-1-25; revised 12-3-24.)

24 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

25 Sec. 39.5. Clean Air Act Permit Program.

1 1. Definitions. For purposes of this Section:

2 "Administrative permit amendment" means a permit revision
3 subject to subsection 13 of this Section.

4 "Affected source for acid deposition" means a source that
5 includes one or more affected units under Title IV of the Clean
6 Air Act.

7 "Affected States" for purposes of formal distribution of a
8 draft CAAPP permit to other States for comments prior to
9 issuance, means all States:

10 (1) Whose air quality may be affected by the source
11 covered by the draft permit and that are contiguous to
12 Illinois; or

13 (2) That are within 50 miles of the source.

14 "Affected unit for acid deposition" shall have the meaning
15 given to the term "affected unit" in the regulations
16 promulgated under Title IV of the Clean Air Act.

17 "Applicable Clean Air Act requirement" means all of the
18 following as they apply to emissions units in a source
19 (including regulations that have been promulgated or approved
20 by USEPA pursuant to the Clean Air Act which directly impose
21 requirements upon a source and other such federal requirements
22 which have been adopted by the Board. These may include
23 requirements and regulations which have future effective
24 compliance dates. Requirements and regulations will be exempt
25 if USEPA determines that such requirements need not be
26 contained in a Title V permit):

1 (1) Any standard or other requirement provided for in
2 the applicable state implementation plan approved or
3 promulgated by USEPA under Title I of the Clean Air Act
4 that implements the relevant requirements of the Clean Air
5 Act, including any revisions to the state Implementation
6 Plan promulgated in 40 CFR Part 52, Subparts A and O and
7 other subparts applicable to Illinois. For purposes of
8 this paragraph (1) of this definition, "any standard or
9 other requirement" means only such standards or
10 requirements directly enforceable against an individual
11 source under the Clean Air Act.

12 (2)(i) Any term or condition of any preconstruction
13 permits issued pursuant to regulations approved or
14 promulgated by USEPA under Title I of the Clean Air
15 Act, including Part C or D of the Clean Air Act.

16 (ii) Any term or condition as required pursuant to
17 this Section 39.5 of any federally enforceable State
18 operating permit issued pursuant to regulations
19 approved or promulgated by USEPA under Title I of the
20 Clean Air Act, including Part C or D of the Clean Air
21 Act.

22 (3) Any standard or other requirement under Section
23 111 of the Clean Air Act, including Section 111(d).

24 (4) Any standard or other requirement under Section
25 112 of the Clean Air Act, including any requirement
26 concerning accident prevention under Section 112(r)(7) of

1 the Clean Air Act.

2 (5) Any standard or other requirement of the acid rain
3 program under Title IV of the Clean Air Act or the
4 regulations promulgated thereunder.

5 (6) Any requirements established pursuant to Section
6 504(b) or Section 114(a) (3) of the Clean Air Act.

7 (7) Any standard or other requirement governing solid
8 waste incineration, under Section 129 of the Clean Air
9 Act.

10 (8) Any standard or other requirement for consumer and
11 commercial products, under Section 183(e) of the Clean Air
12 Act.

13 (9) Any standard or other requirement for tank
14 vessels, under Section 183(f) of the Clean Air Act.

15 (10) Any standard or other requirement of the program
16 to control air pollution from Outer Continental Shelf
17 sources, under Section 328 of the Clean Air Act.

18 (11) Any standard or other requirement of the
19 regulations promulgated to protect stratospheric ozone
20 under Title VI of the Clean Air Act, unless USEPA has
21 determined that such requirements need not be contained in
22 a Title V permit.

23 (12) Any national ambient air quality standard or
24 increment or visibility requirement under Part C of Title
25 I of the Clean Air Act, but only as it would apply to
26 temporary sources permitted pursuant to Section 504(e) of

1 the Clean Air Act.

2 "Applicable requirement" means all applicable Clean Air
3 Act requirements and any other standard, limitation, or other
4 requirement contained in this Act or regulations promulgated
5 under this Act as applicable to sources of air contaminants
6 (including requirements that have future effective compliance
7 dates).

8 "CAAPP" means the Clean Air Act Permit Program, developed
9 pursuant to Title V of the Clean Air Act.

10 "CAAPP application" means an application for a CAAPP
11 permit.

12 "CAAPP Permit" or "permit" (unless the context suggests
13 otherwise) means any permit issued, renewed, amended,
14 modified, or revised pursuant to Title V of the Clean Air Act.

15 "CAAPP source" means any source for which the owner or
16 operator is required to obtain a CAAPP permit pursuant to
17 subsection 2 of this Section.

18 "Clean Air Act" means the Clean Air Act, as now and
19 hereafter amended, 42 U.S.C. 7401, et seq.

20 "Designated representative" has the meaning given to it in
21 Section 402(26) of the Clean Air Act and the regulations
22 promulgated thereunder, which state that the term "designated
23 representative" means a responsible person or official
24 authorized by the owner or operator of a unit to represent the
25 owner or operator in all matters pertaining to the holding,
26 transfer, or disposition of allowances allocated to a unit,

1 and the submission of and compliance with permits, permit
2 applications, and compliance plans for the unit.

3 "Draft CAAPP permit" means the version of a CAAPP permit
4 for which public notice and an opportunity for public comment
5 and hearing is offered by the Agency.

6 "Effective date of the CAAPP" means the date that USEPA
7 approves Illinois' CAAPP.

8 "Emission unit" means any part or activity of a stationary
9 source that emits or has the potential to emit any air
10 pollutant. This term is not meant to alter or affect the
11 definition of the term "unit" for purposes of Title IV of the
12 Clean Air Act.

13 "Federally enforceable" means enforceable by USEPA.

14 "Final permit action" means the Agency's granting with
15 conditions, refusal to grant, renewal of, or revision of a
16 CAAPP permit, the Agency's determination of incompleteness of
17 a submitted CAAPP application, or the Agency's failure to act
18 on an application for a permit, permit renewal, or permit
19 revision within the time specified in subsection 13,
20 subsection 14, or paragraph (j) of subsection 5 of this
21 Section.

22 "General permit" means a permit issued to cover numerous
23 similar sources in accordance with subsection 11 of this
24 Section.

25 "Major source" means a source for which emissions of one
26 or more air pollutants meet the criteria for major status

1 pursuant to paragraph (c) of subsection 2 of this Section.

2 "Maximum achievable control technology" or "MACT" means
3 the maximum degree of reductions in emissions deemed
4 achievable under Section 112 of the Clean Air Act.

5 "Owner or operator" means any person who owns, leases,
6 operates, controls, or supervises a stationary source.

7 "Permit modification" means a revision to a CAAPP permit
8 that cannot be accomplished under the provisions for
9 administrative permit amendments under subsection 13 of this
10 Section.

11 "Permit revision" means a permit modification or
12 administrative permit amendment.

13 "Phase II" means the period of the national acid rain
14 program, established under Title IV of the Clean Air Act,
15 beginning January 1, 2000, and continuing thereafter.

16 "Phase II acid rain permit" means the portion of a CAAPP
17 permit issued, renewed, modified, or revised by the Agency
18 during Phase II for an affected source for acid deposition.

19 "Potential to emit" means the maximum capacity of a
20 stationary source to emit any air pollutant under its physical
21 and operational design. Any physical or operational limitation
22 on the capacity of a source to emit an air pollutant, including
23 air pollution control equipment and restrictions on hours of
24 operation or on the type or amount of material combusted,
25 stored, or processed, shall be treated as part of its design if
26 the limitation is enforceable by USEPA. This definition does

1 not alter or affect the use of this term for any other purposes
2 under the Clean Air Act, or the term "capacity factor" as used
3 in Title IV of the Clean Air Act or the regulations promulgated
4 thereunder.

5 "Preconstruction Permit" or "Construction Permit" means a
6 permit which is to be obtained prior to commencing or
7 beginning actual construction or modification of a source or
8 emissions unit.

9 "Proposed CAAPP permit" means the version of a CAAPP
10 permit that the Agency proposes to issue and forwards to USEPA
11 for review in compliance with applicable requirements of the
12 Act and regulations promulgated thereunder.

13 "Regulated air pollutant" means the following:

14 (1) Nitrogen oxides (NO_x) or any volatile organic
15 compound.

16 (2) Any pollutant for which a national ambient air
17 quality standard has been promulgated.

18 (3) Any pollutant that is subject to any standard
19 promulgated under Section 111 of the Clean Air Act.

20 (4) Any Class I or II substance subject to a standard
21 promulgated under or established by Title VI of the Clean
22 Air Act.

23 (5) Any pollutant subject to a standard promulgated
24 under Section 112 or other requirements established under
25 Section 112 of the Clean Air Act, including Sections
26 112(g), (j), and (r).

1 (i) Any pollutant subject to requirements under
2 Section 112(j) of the Clean Air Act. Any pollutant
3 listed under Section 112(b) for which the subject
4 source would be major shall be considered to be
5 regulated 18 months after the date on which USEPA was
6 required to promulgate an applicable standard pursuant
7 to Section 112(e) of the Clean Air Act, if USEPA fails
8 to promulgate such standard.

9 (ii) Any pollutant for which the requirements of
10 Section 112(g)(2) of the Clean Air Act have been met,
11 but only with respect to the individual source subject
12 to Section 112(g)(2) requirement.

13 (6) Greenhouse gases.

14 "Renewal" means the process by which a permit is reissued
15 at the end of its term.

16 "Responsible official" means one of the following:

17 (1) For a corporation: a president, secretary,
18 treasurer, or vice-president of the corporation in charge
19 of a principal business function, or any other person who
20 performs similar policy or decision-making functions for
21 the corporation, or a duly authorized representative of
22 such person if the representative is responsible for the
23 overall operation of one or more manufacturing,
24 production, or operating facilities applying for or
25 subject to a permit and either (i) the facilities employ
26 more than 250 persons or have gross annual sales or

1 expenditures exceeding \$25 million (in second quarter 1980
2 dollars), or (ii) the delegation of authority to such
3 representative is approved in advance by the Agency.

4 (2) For a partnership or sole proprietorship: a
5 general partner or the proprietor, respectively, or in the
6 case of a partnership in which all of the partners are
7 corporations, a duly authorized representative of the
8 partnership if the representative is responsible for the
9 overall operation of one or more manufacturing,
10 production, or operating facilities applying for or
11 subject to a permit and either (i) the facilities employ
12 more than 250 persons or have gross annual sales or
13 expenditures exceeding \$25 million (in second quarter 1980
14 dollars), or (ii) the delegation of authority to such
15 representative is approved in advance by the Agency.

16 (3) For a municipality, State, federal ~~Federal~~, or
17 other public agency: either a principal executive officer
18 or ranking elected official. For the purposes of this
19 part, a principal executive officer of a federal ~~Federal~~
20 agency includes the chief executive officer having
21 responsibility for the overall operations of a principal
22 geographic unit of the agency (e.g., a Regional
23 Administrator of USEPA).

24 (4) For affected sources for acid deposition:

25 (i) The designated representative shall be the
26 "responsible official" in so far as actions,

1 standards, requirements, or prohibitions under Title
2 IV of the Clean Air Act or the regulations promulgated
3 thereunder are concerned.

4 (ii) The designated representative may also be the
5 "responsible official" for any other purposes with
6 respect to air pollution control.

7 "Section 502(b)(10) changes" means changes that contravene
8 express permit terms. "Section 502(b)(10) changes" do not
9 include changes that would violate applicable requirements or
10 contravene federally enforceable permit terms or conditions
11 that are monitoring (including test methods), recordkeeping,
12 reporting, or compliance certification requirements.

13 "Solid waste incineration unit" means a distinct operating
14 unit of any facility which combusts any solid waste material
15 from commercial or industrial establishments or the general
16 public (including single and multiple residences, hotels, and
17 motels). The term does not include incinerators or other units
18 required to have a permit under Section 3005 of the Solid Waste
19 Disposal Act. The term also does not include (A) materials
20 recovery facilities (including primary or secondary smelters)
21 which combust waste for the primary purpose of recovering
22 metals, (B) qualifying small power production facilities, as
23 defined in Section 3(17)(C) of the Federal Power Act (16
24 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as
25 defined in Section 3(18)(B) of the Federal Power Act (16
26 U.S.C. 796(18)(B)), which burn homogeneous waste (such as

1 units which burn tires or used oil, but not including
2 refuse-derived fuel) for the production of electric energy or
3 in the case of qualifying cogeneration facilities which burn
4 homogeneous waste for the production of electric energy and
5 steam or forms of useful energy (such as heat) which are used
6 for industrial, commercial, heating, or cooling purposes, or
7 (C) air curtain incinerators provided that such incinerators
8 only burn wood wastes, yard waste, and clean lumber and that
9 such air curtain incinerators comply with opacity limitations
10 to be established by the USEPA by rule.

11 "Source" means any stationary source (or any group of
12 stationary sources) that is located on one or more contiguous
13 or adjacent properties that are under common control of the
14 same person (or persons under common control) and that belongs
15 to a single major industrial grouping. For the purposes of
16 defining "source," a stationary source or group of stationary
17 sources shall be considered part of a single major industrial
18 grouping if all of the pollutant emitting activities at such
19 source or group of sources located on contiguous or adjacent
20 properties and under common control belong to the same Major
21 Group (i.e., all have the same two-digit code) as described in
22 the Standard Industrial Classification Manual, 1987, or such
23 pollutant emitting activities at a stationary source (or group
24 of stationary sources) located on contiguous or adjacent
25 properties and under common control constitute a support
26 facility. The determination as to whether any group of

1 stationary sources is located on contiguous or adjacent
2 properties, and/or is under common control, and/or whether the
3 pollutant emitting activities at such group of stationary
4 sources constitute a support facility shall be made on a
5 case-by-case ~~case-by-case~~ basis.

6 "Stationary source" means any building, structure,
7 facility, or installation that emits or may emit any regulated
8 air pollutant or any pollutant listed under Section 112(b) of
9 the Clean Air Act, except those emissions resulting directly
10 from an internal combustion engine for transportation purposes
11 or from a nonroad engine or nonroad vehicle as defined in
12 Section 216 of the Clean Air Act.

13 "Subject to regulation" has the meaning given to it in 40
14 CFR 70.2, as now or hereafter amended.

15 "Support facility" means any stationary source (or group
16 of stationary sources) that conveys, stores, or otherwise
17 assists to a significant extent in the production of a
18 principal product at another stationary source (or group of
19 stationary sources). A support facility shall be considered to
20 be part of the same source as the stationary source (or group
21 of stationary sources) that it supports regardless of the
22 2-digit Standard Industrial Classification code for the
23 support facility.

24 "USEPA" means the Administrator of the United States
25 Environmental Protection Agency (USEPA) or a person designated
26 by the Administrator.

1 1.1. Exclusion From the CAAPP.

2 a. An owner or operator of a source which determines
3 that the source could be excluded from the CAAPP may seek
4 such exclusion prior to the date that the CAAPP
5 application for the source is due but in no case later than
6 9 months after the effective date of the CAAPP through the
7 imposition of federally enforceable conditions limiting
8 the "potential to emit" of the source to a level below the
9 major source threshold for that source as described in
10 paragraph (c) of subsection 2 of this Section, within a
11 State operating permit issued pursuant to subsection (a)
12 of Section 39 of this Act. After such date, an exclusion
13 from the CAAPP may be sought under paragraph (c) of
14 subsection 3 of this Section.

15 b. An owner or operator of a source seeking exclusion
16 from the CAAPP pursuant to paragraph (a) of this
17 subsection must submit a permit application consistent
18 with the existing State permit program which specifically
19 requests such exclusion through the imposition of such
20 federally enforceable conditions.

21 c. Upon such request, if the Agency determines that
22 the owner or operator of a source has met the requirements
23 for exclusion pursuant to paragraph (a) of this subsection
24 and other applicable requirements for permit issuance
25 under subsection (a) of Section 39 of this Act, the Agency

1 shall issue a State operating permit for such source under
2 subsection (a) of Section 39 of this Act, as amended, and
3 regulations promulgated thereunder with federally
4 enforceable conditions limiting the "potential to emit" of
5 the source to a level below the major source threshold for
6 that source as described in paragraph (c) of subsection 2
7 of this Section.

8 d. The Agency shall provide an owner or operator of a
9 source which may be excluded from the CAAPP pursuant to
10 this subsection with reasonable notice that the owner or
11 operator may seek such exclusion.

12 e. The Agency shall provide such sources with the
13 necessary permit application forms.

14 2. Applicability.

15 a. Sources subject to this Section shall include:

16 i. Any major source as defined in paragraph (c) of
17 this subsection.

18 ii. Any source subject to a standard or other
19 requirements promulgated under Section 111 (New Source
20 Performance Standards) or Section 112 (Hazardous Air
21 Pollutants) of the Clean Air Act, except that a source
22 is not required to obtain a permit solely because it is
23 subject to regulations or requirements under Section
24 112(r) of the Clean Air Act.

25 iii. Any affected source for acid deposition, as

1 defined in subsection 1 of this Section.

2 iv. Any other source subject to this Section under
3 the Clean Air Act or regulations promulgated
4 thereunder, or applicable Board regulations.

5 b. Sources exempted from this Section shall include:

6 i. All sources listed in paragraph (a) of this
7 subsection that are not major sources, affected
8 sources for acid deposition or solid waste
9 incineration units required to obtain a permit
10 pursuant to Section 129(e) of the Clean Air Act, until
11 the source is required to obtain a CAAPP permit
12 pursuant to the Clean Air Act or regulations
13 promulgated thereunder.

14 ii. Nonmajor sources subject to a standard or
15 other requirements subsequently promulgated by USEPA
16 under Section 111 or 112 of the Clean Air Act that are
17 determined by USEPA to be exempt at the time a new
18 standard is promulgated.

19 iii. All sources and source categories that would
20 be required to obtain a permit solely because they are
21 subject to Part 60, Subpart AAA - Standards of
22 Performance for New Residential Wood Heaters (40 CFR
23 Part 60).

24 iv. All sources and source categories that would
25 be required to obtain a permit solely because they are
26 subject to Part 61, Subpart M - National Emission

1 Standard for Hazardous Air Pollutants for Asbestos,
2 Section 61.145 (40 CFR Part 61).

3 v. Any other source categories exempted by USEPA
4 regulations pursuant to Section 502(a) of the Clean
5 Air Act.

6 vi. Major sources of greenhouse gas emissions
7 required to obtain a CAAPP permit under this Section
8 if any of the following occurs:

9 (A) enactment of federal legislation depriving
10 the Administrator of the USEPA of authority to
11 regulate greenhouse gases under the Clean Air Act;

12 (B) the issuance of any opinion, ruling,
13 judgment, order, or decree by a federal court
14 depriving the Administrator of the USEPA of
15 authority to regulate greenhouse gases under the
16 Clean Air Act; or

17 (C) action by the President of the United
18 States or the President's authorized agent,
19 including the Administrator of the USEPA, to
20 repeal or withdraw the Greenhouse Gas Tailoring
21 Rule (75 Fed. Reg. 31514, June 3, 2010).

22 If any event listed in this subparagraph (vi)
23 occurs, CAAPP permits issued after such event shall
24 not impose permit terms or conditions addressing
25 greenhouse gases during the effectiveness of any event
26 listed in subparagraph (vi). If any event listed in

1 this subparagraph (vi) occurs, any owner or operator
2 with a CAAPP permit that includes terms or conditions
3 addressing greenhouse gases may elect to submit an
4 application to the Agency to address a revision or
5 repeal of such terms or conditions. If any owner or
6 operator submits such an application, the Agency shall
7 expeditiously process the permit application in
8 accordance with applicable laws and regulations.
9 Nothing in this subparagraph (vi) shall relieve an
10 owner or operator of a source from the requirement to
11 obtain a CAAPP permit for its emissions of regulated
12 air pollutants other than greenhouse gases, as
13 required by this Section.

14 c. For purposes of this Section the term "major
15 source" means any source that is:

16 i. A major source under Section 112 of the Clean
17 Air Act, which is defined as:

18 A. For pollutants other than radionuclides,
19 any stationary source or group of stationary
20 sources located within a contiguous area and under
21 common control that emits or has the potential to
22 emit, in the aggregate, 10 tons per year (tpy) or
23 more of any hazardous air pollutant which has been
24 listed pursuant to Section 112(b) of the Clean Air
25 Act, 25 tpy or more of any combination of such
26 hazardous air pollutants, or such lesser quantity

1 as USEPA may establish by rule. Notwithstanding
2 the preceding sentence, emissions from any oil or
3 gas exploration or production well (with its
4 associated equipment) and emissions from any
5 pipeline compressor or pump station shall not be
6 aggregated with emissions from other similar
7 units, whether or not such units are in a
8 contiguous area or under common control, to
9 determine whether such stations are major sources.

10 B. For radionuclides, "major source" shall
11 have the meaning specified by the USEPA by rule.

12 ii. A major stationary source of air pollutants,
13 as defined in Section 302 of the Clean Air Act, that
14 directly emits or has the potential to emit, 100 tpy or
15 more of any air pollutant subject to regulation
16 (including any major source of fugitive emissions of
17 any such pollutant, as determined by rule by USEPA).
18 For purposes of this subsection, "fugitive emissions"
19 means those emissions which could not reasonably pass
20 through a stack, chimney, vent, or other functionally
21 equivalent ~~functionally equivalent~~ opening. The
22 fugitive emissions of a stationary source shall not be
23 considered in determining whether it is a major
24 stationary source for the purposes of Section 302(j)
25 of the Clean Air Act, unless the source belongs to one
26 of the following categories of stationary source:

- 1 A. Coal cleaning plants (with thermal dryers).
- 2 B. Kraft pulp mills.
- 3 C. Portland cement plants.
- 4 D. Primary zinc smelters.
- 5 E. Iron and steel mills.
- 6 F. Primary aluminum ore reduction plants.
- 7 G. Primary copper smelters.
- 8 H. Municipal incinerators capable of charging
- 9 more than 250 tons of refuse per day.
- 10 I. Hydrofluoric, sulfuric, or nitric acid
- 11 plants.
- 12 J. Petroleum refineries.
- 13 K. Lime plants.
- 14 L. Phosphate rock processing plants.
- 15 M. Coke oven batteries.
- 16 N. Sulfur recovery plants.
- 17 O. Carbon black plants (furnace process).
- 18 P. Primary lead smelters.
- 19 Q. Fuel conversion plants.
- 20 R. Sintering plants.
- 21 S. Secondary metal production plants.
- 22 T. Chemical process plants.
- 23 U. Fossil-fuel boilers (or combination
- 24 thereof) totaling more than 250 million British
- 25 thermal units per hour heat input.
- 26 V. Petroleum storage and transfer units with a

1 total storage capacity exceeding 300,000 barrels.

2 W. Taconite ore processing plants.

3 X. Glass fiber processing plants.

4 Y. Charcoal production plants.

5 Z. Fossil fuel-fired steam electric plants of
6 more than 250 million British thermal units per
7 hour heat input.

8 AA. All other stationary source categories,
9 which as of August 7, 1980 are being regulated by a
10 standard promulgated under Section 111 or 112 of
11 the Clean Air Act.

12 BB. Any other stationary source category
13 designated by USEPA by rule.

14 iii. A major stationary source as defined in part
15 D of Title I of the Clean Air Act including:

16 A. For ozone nonattainment areas, sources with
17 the potential to emit 100 tons or more per year of
18 volatile organic compounds or oxides of nitrogen
19 in areas classified as "marginal" or "moderate",
20 50 tons or more per year in areas classified as
21 "serious", 25 tons or more per year in areas
22 classified as "severe", and 10 tons or more per
23 year in areas classified as "extreme"; except that
24 the references in this clause to 100, 50, 25, and
25 10 tons per year of nitrogen oxides shall not
26 apply with respect to any source for which USEPA

1 has made a finding, under Section 182(f)(1) or (2)
2 of the Clean Air Act, that requirements otherwise
3 applicable to such source under Section 182(f) of
4 the Clean Air Act do not apply. Such sources shall
5 remain subject to the major source criteria of
6 subparagraph (ii) of paragraph (c) of this
7 subsection.

8 B. For ozone transport regions established
9 pursuant to Section 184 of the Clean Air Act,
10 sources with the potential to emit 50 tons or more
11 per year of volatile organic compounds (VOCs).

12 C. For carbon monoxide nonattainment areas (1)
13 that are classified as "serious", and (2) in which
14 stationary sources contribute significantly to
15 carbon monoxide levels as determined under rules
16 issued by USEPA, sources with the potential to
17 emit 50 tons or more per year of carbon monoxide.

18 D. For particulate matter (PM-10)
19 nonattainment areas classified as "serious",
20 sources with the potential to emit 70 tons or more
21 per year of PM-10.

22 3. Agency Authority To Issue CAAPP Permits and Federally
23 Enforceable State Operating Permits.

24 a. The Agency shall issue CAAPP permits under this
25 Section consistent with the Clean Air Act and regulations

1 promulgated thereunder and this Act and regulations
2 promulgated thereunder.

3 b. The Agency shall issue CAAPP permits for fixed
4 terms of 5 years, except CAAPP permits issued for solid
5 waste incineration units combusting municipal waste which
6 shall be issued for fixed terms of 12 years and except
7 CAAPP permits for affected sources for acid deposition
8 which shall be issued for initial terms to expire on
9 December 31, 1999, and for fixed terms of 5 years
10 thereafter.

11 c. The Agency shall have the authority to issue a
12 State operating permit for a source under subsection (a)
13 of Section 39 of this Act, as amended, and regulations
14 promulgated thereunder, which includes federally
15 enforceable conditions limiting the "potential to emit" of
16 the source to a level below the major source threshold for
17 that source as described in paragraph (c) of subsection 2
18 of this Section, thereby excluding the source from the
19 CAAPP, when requested by the applicant pursuant to
20 paragraph (u) of subsection 5 of this Section. The public
21 notice requirements of this Section applicable to CAAPP
22 permits shall also apply to the initial issuance of
23 permits under this paragraph.

24 d. For purposes of this Act, a permit issued by USEPA
25 under Section 505 of the Clean Air Act, as now and
26 hereafter amended, shall be deemed to be a permit issued

1 by the Agency pursuant to this Section 39.5 ~~of this Act~~.

2 4. Transition.

3 a. An owner or operator of a CAAPP source shall not be
4 required to renew an existing State operating permit for
5 any emission unit at such CAAPP source once a CAAPP
6 application timely submitted prior to expiration of the
7 State operating permit has been deemed complete. For
8 purposes other than permit renewal, the obligation upon
9 the owner or operator of a CAAPP source to obtain a State
10 operating permit is not removed upon submittal of the
11 complete CAAPP permit application. An owner or operator of
12 a CAAPP source seeking to make a modification to a source
13 prior to the issuance of its CAAPP permit shall be
14 required to obtain a construction permit, operating
15 permit, or both as required for such modification in
16 accordance with the State permit program under subsection
17 (a) of Section 39 of this Act, as amended, and regulations
18 promulgated thereunder. The application for such
19 construction permit, operating permit, or both shall be
20 considered an amendment to the CAAPP application submitted
21 for such source.

22 b. An owner or operator of a CAAPP source shall
23 continue to operate in accordance with the terms and
24 conditions of its applicable State operating permit
25 notwithstanding the expiration of the State operating

1 permit until the source's CAAPP permit has been issued.

2 c. An owner or operator of a CAAPP source shall submit
3 its initial CAAPP application to the Agency no later than
4 12 months after the effective date of the CAAPP. The
5 Agency may request submittal of initial CAAPP applications
6 during this 12-month period according to a schedule set
7 forth within Agency procedures, however, in no event shall
8 the Agency require such submittal earlier than 3 months
9 after such effective date of the CAAPP. An owner or
10 operator may voluntarily submit its initial CAAPP
11 application prior to the date required within this
12 paragraph or applicable procedures, if any, subsequent to
13 the date the Agency submits the CAAPP to USEPA for
14 approval.

15 d. The Agency shall act on initial CAAPP applications
16 in accordance with paragraph (j) of subsection 5 of this
17 Section.

18 e. For purposes of this Section, the term "initial
19 CAAPP application" shall mean the first CAAPP application
20 submitted for a source existing as of the effective date
21 of the CAAPP.

22 f. The Agency shall provide owners or operators of
23 CAAPP sources with at least 3 months advance notice of the
24 date on which their applications are required to be
25 submitted. In determining which sources shall be subject
26 to early submittal, the Agency shall include among its

1 considerations the complexity of the permit application,
2 and the burden that such early submittal will have on the
3 source.

4 g. The CAAPP permit shall upon becoming effective
5 supersede the State operating permit.

6 h. The Agency shall have the authority to adopt
7 procedural rules, in accordance with the Illinois
8 Administrative Procedure Act, as the Agency deems
9 necessary, to implement this subsection.

10 5. Applications and Completeness.

11 a. An owner or operator of a CAAPP source shall submit
12 its complete CAAPP application consistent with the Act and
13 applicable regulations.

14 b. An owner or operator of a CAAPP source shall submit
15 a single complete CAAPP application covering all emission
16 units at that source.

17 c. To be deemed complete, a CAAPP application must
18 provide all information, as requested in Agency
19 application forms, sufficient to evaluate the subject
20 source and its application and to determine all applicable
21 requirements, pursuant to the Clean Air Act, and
22 regulations thereunder, this Act and regulations
23 thereunder. Such Agency application forms shall be
24 finalized and made available prior to the date on which
25 any CAAPP application is required.

1 d. An owner or operator of a CAAPP source shall
2 submit, as part of its complete CAAPP application, a
3 compliance plan, including a schedule of compliance,
4 describing how each emission unit will comply with all
5 applicable requirements. Any such schedule of compliance
6 shall be supplemental to, and shall not sanction
7 noncompliance with, the applicable requirements on which
8 it is based.

9 e. Each submitted CAAPP application shall be certified
10 for truth, accuracy, and completeness by a responsible
11 official in accordance with applicable regulations.

12 f. The Agency shall provide notice to a CAAPP
13 applicant as to whether a submitted CAAPP application is
14 complete. Unless the Agency notifies the applicant of
15 incompleteness, within 60 days after receipt of the CAAPP
16 application, the application shall be deemed complete. The
17 Agency may request additional information as needed to
18 make the completeness determination. The Agency may to the
19 extent practicable provide the applicant with a reasonable
20 opportunity to correct deficiencies prior to a final
21 determination of completeness.

22 g. If after the determination of completeness the
23 Agency finds that additional information is necessary to
24 evaluate or take final action on the CAAPP application,
25 the Agency may request in writing such information from
26 the source with a reasonable deadline for response.

1 h. If the owner or operator of a CAAPP source submits a
2 timely and complete CAAPP application, the source's
3 failure to have a CAAPP permit shall not be a violation of
4 this Section until the Agency takes final action on the
5 submitted CAAPP application, provided, however, where the
6 applicant fails to submit the requested information under
7 paragraph (g) of this subsection 5 within the time frame
8 specified by the Agency, this protection shall cease to
9 apply.

10 i. Any applicant who fails to submit any relevant
11 facts necessary to evaluate the subject source and its
12 CAAPP application or who has submitted incorrect
13 information in a CAAPP application shall, upon becoming
14 aware of such failure or incorrect submittal, submit
15 supplementary facts or correct information to the Agency.
16 In addition, an applicant shall provide to the Agency
17 additional information as necessary to address any
18 requirements which become applicable to the source
19 subsequent to the date the applicant submitted its
20 complete CAAPP application but prior to release of the
21 draft CAAPP permit.

22 j. The Agency shall issue or deny the CAAPP permit
23 within 18 months after the date of receipt of the complete
24 CAAPP application, with the following exceptions: (i)
25 permits for affected sources for acid deposition shall be
26 issued or denied within 6 months after receipt of a

1 complete application in accordance with subsection 17 of
2 this Section; (ii) the Agency shall act on initial CAAPP
3 applications within 24 months after the date of receipt of
4 the complete CAAPP application; (iii) the Agency shall act
5 on complete applications containing early reduction
6 demonstrations under Section 112(i)(5) of the Clean Air
7 Act within 9 months of receipt of the complete CAAPP
8 application.

9 Where the Agency does not take final action on the
10 permit within the required time period, the permit shall
11 not be deemed issued; rather, the failure to act shall be
12 treated as a final permit action for purposes of judicial
13 review pursuant to Sections 40.2 and 41 of this Act.

14 k. The submittal of a complete CAAPP application shall
15 not affect the requirement that any source have a
16 preconstruction permit under Title I of the Clean Air Act.

17 l. Unless a timely and complete renewal application
18 has been submitted consistent with this subsection, a
19 CAAPP source operating upon the expiration of its CAAPP
20 permit shall be deemed to be operating without a CAAPP
21 permit. Such operation is prohibited under this Act.

22 m. Permits being renewed shall be subject to the same
23 procedural requirements, including those for public
24 participation and federal review and objection, that apply
25 to original permit issuance.

26 n. For purposes of permit renewal, a timely

1 application is one that is submitted no less than 9 months
2 prior to the date of permit expiration.

3 o. The terms and conditions of a CAAPP permit shall
4 remain in effect until the issuance of a CAAPP renewal
5 permit provided a timely and complete CAAPP application
6 has been submitted.

7 p. The owner or operator of a CAAPP source seeking a
8 permit shield pursuant to paragraph (j) of subsection 7 of
9 this Section shall request such permit shield in the CAAPP
10 application regarding that source.

11 q. The Agency shall make available to the public all
12 documents submitted by the applicant to the Agency,
13 including each CAAPP application, compliance plan
14 (including the schedule of compliance), and emissions or
15 compliance monitoring report, with the exception of
16 information entitled to confidential treatment pursuant to
17 Section 7 of this Act.

18 r. The Agency shall use the standardized forms
19 required under Title IV of the Clean Air Act and
20 regulations promulgated thereunder for affected sources
21 for acid deposition.

22 s. An owner or operator of a CAAPP source may include
23 within its CAAPP application a request for permission to
24 operate during a startup, malfunction, or breakdown
25 consistent with applicable Board regulations.

26 t. An owner or operator of a CAAPP source, in order to

1 utilize the operational flexibility provided under
2 paragraph (1) of subsection 7 of this Section, must
3 request such use and provide the necessary information
4 within its CAAPP application.

5 u. An owner or operator of a CAAPP source which seeks
6 exclusion from the CAAPP through the imposition of
7 federally enforceable conditions, pursuant to paragraph
8 (c) of subsection 3 of this Section, must request such
9 exclusion within a CAAPP application submitted consistent
10 with this subsection on or after the date that the CAAPP
11 application for the source is due. Prior to such date, but
12 in no case later than 9 months after the effective date of
13 the CAAPP, such owner or operator may request the
14 imposition of federally enforceable conditions pursuant to
15 paragraph (b) of subsection 1.1 of this Section.

16 v. CAAPP applications shall contain accurate
17 information on allowable emissions to implement the fee
18 provisions of subsection 18 of this Section.

19 w. An owner or operator of a CAAPP source shall submit
20 within its CAAPP application emissions information
21 regarding all regulated air pollutants emitted at that
22 source consistent with applicable Agency procedures.
23 Emissions information regarding insignificant activities
24 or emission levels, as determined by the Agency pursuant
25 to Board regulations, may be submitted as a list within
26 the CAAPP application. The Agency shall propose

1 regulations to the Board defining insignificant activities
2 or emission levels, consistent with federal regulations,
3 if any, no later than 18 months after the effective date of
4 Public Act 87-1213 ~~this amendatory Act of 1992~~, consistent
5 with Section 112(n)(1) of the Clean Air Act. The Board
6 shall adopt final regulations defining insignificant
7 activities or emission levels no later than 9 months after
8 the date of the Agency's proposal.

9 x. The owner or operator of a new CAAPP source shall
10 submit its complete CAAPP application consistent with this
11 subsection within 12 months after commencing operation of
12 such source. The owner or operator of an existing source
13 that has been excluded from the provisions of this Section
14 under subsection 1.1 or paragraph (c) of subsection 3 of
15 this Section and that becomes subject to the CAAPP solely
16 due to a change in operation at the source shall submit its
17 complete CAAPP application consistent with this subsection
18 at least 180 days before commencing operation in
19 accordance with the change in operation.

20 y. The Agency shall have the authority to adopt
21 procedural rules, in accordance with the Illinois
22 Administrative Procedure Act, as the Agency deems
23 necessary to implement this subsection.

24 6. Prohibitions.

25 a. It shall be unlawful for any person to violate any

1 terms or conditions of a permit issued under this Section,
2 to operate any CAAPP source except in compliance with a
3 permit issued by the Agency under this Section or to
4 violate any other applicable requirements. All terms and
5 conditions of a permit issued under this Section are
6 enforceable by USEPA and citizens under the Clean Air Act,
7 except those, if any, that are specifically designated as
8 not being federally enforceable in the permit pursuant to
9 paragraph (m) of subsection 7 of this Section.

10 b. After the applicable CAAPP permit or renewal
11 application submittal date, as specified in subsection 5
12 of this Section, no person shall operate a CAAPP source
13 without a CAAPP permit unless the complete CAAPP permit or
14 renewal application for such source has been timely
15 submitted to the Agency.

16 c. No owner or operator of a CAAPP source shall cause
17 or threaten or allow the continued operation of an
18 emission source during malfunction or breakdown of the
19 emission source or related air pollution control equipment
20 if such operation would cause a violation of the standards
21 or limitations applicable to the source, unless the CAAPP
22 permit granted to the source provides for such operation
23 consistent with this Act and applicable Board regulations.

24 7. Permit Content.

25 a. All CAAPP permits shall contain emission

1 limitations and standards and other enforceable terms and
2 conditions, including, but not limited to, operational
3 requirements, and schedules for achieving compliance at
4 the earliest reasonable date, which are or will be
5 required to accomplish the purposes and provisions of this
6 Act and to assure compliance with all applicable
7 requirements.

8 b. The Agency shall include among such conditions
9 applicable monitoring, reporting, recordkeeping, ~~record~~
10 ~~keeping~~ and compliance certification requirements, as
11 authorized by paragraphs (d), (e), and (f) of this
12 subsection, that the Agency deems necessary to assure
13 compliance with the Clean Air Act, the regulations
14 promulgated thereunder, this Act, and applicable Board
15 regulations. When monitoring, reporting, recordkeeping
16 ~~record-keeping~~, and compliance certification requirements
17 are specified within the Clean Air Act, regulations
18 promulgated thereunder, this Act, or applicable
19 regulations, such requirements shall be included within
20 the CAAPP permit. The Board shall have authority to
21 promulgate additional regulations where necessary to
22 accomplish the purposes of the Clean Air Act, this Act,
23 and regulations promulgated thereunder.

24 c. The Agency shall assure, within such conditions,
25 the use of terms, test methods, units, averaging periods,
26 and other statistical conventions consistent with the

1 applicable emission limitations, standards, and other
2 requirements contained in the permit.

3 d. To meet the requirements of this subsection with
4 respect to monitoring, the permit shall:

5 i. Incorporate and identify all applicable
6 emissions monitoring and analysis procedures or test
7 methods required under the Clean Air Act, regulations
8 promulgated thereunder, this Act, and applicable Board
9 regulations, including any procedures and methods
10 promulgated by USEPA pursuant to Section 504(b) or
11 Section 114 (a) (3) of the Clean Air Act.

12 ii. Where the applicable requirement does not
13 require periodic testing or instrumental or
14 noninstrumental monitoring (which may consist of
15 recordkeeping designed to serve as monitoring),
16 require periodic monitoring sufficient to yield
17 reliable data from the relevant time period that is
18 representative of the source's compliance with the
19 permit, as reported pursuant to paragraph (f) of this
20 subsection. The Agency may determine that
21 recordkeeping requirements are sufficient to meet the
22 requirements of this subparagraph.

23 iii. As necessary, specify requirements concerning
24 the use, maintenance, and when appropriate,
25 installation of monitoring equipment or methods.

26 e. To meet the requirements of this subsection with

1 respect to recordkeeping ~~record-keeping~~, the permit shall
2 incorporate and identify all applicable recordkeeping
3 requirements and require, where applicable, the following:

4 i. Records of required monitoring information that
5 include the following:

6 A. The date, place and time of sampling or
7 measurements.

8 B. The date(s) analyses were performed.

9 C. The company or entity that performed the
10 analyses.

11 D. The analytical techniques or methods used.

12 E. The results of such analyses.

13 F. The operating conditions as existing at the
14 time of sampling or measurement.

15 ii. Retention of records of all monitoring data
16 and support information for a period of at least 5
17 years from the date of the monitoring sample,
18 measurement, report, or application. Support
19 information includes all calibration and maintenance
20 records, original strip-chart recordings for
21 continuous monitoring instrumentation, and copies of
22 all reports required by the permit.

23 f. To meet the requirements of this subsection with
24 respect to reporting, the permit shall incorporate and
25 identify all applicable reporting requirements and require
26 the following:

1 i. Submittal of reports of any required monitoring
2 every 6 months. More frequent submittals may be
3 requested by the Agency if such submittals are
4 necessary to assure compliance with this Act or
5 regulations promulgated by the Board thereunder. All
6 instances of deviations from permit requirements must
7 be clearly identified in such reports. All required
8 reports must be certified by a responsible official
9 consistent with subsection 5 of this Section.

10 ii. Prompt reporting of deviations from permit
11 requirements, including those attributable to upset
12 conditions as defined in the permit, the probable
13 cause of such deviations, and any corrective actions
14 or preventive measures taken.

15 g. Each CAAPP permit issued under subsection 10 of
16 this Section shall include a condition prohibiting
17 emissions exceeding any allowances that the source
18 lawfully holds under Title IV of the Clean Air Act or the
19 regulations promulgated thereunder, consistent with
20 subsection 17 of this Section and applicable regulations,
21 if any.

22 h. All CAAPP permits shall state that, where another
23 applicable requirement of the Clean Air Act is more
24 stringent than any applicable requirement of regulations
25 promulgated under Title IV of the Clean Air Act, both
26 provisions shall be incorporated into the permit and shall

1 be State and federally enforceable.

2 i. Each CAAPP permit issued under subsection 10 of
3 this Section shall include a severability clause to ensure
4 the continued validity of the various permit requirements
5 in the event of a challenge to any portions of the permit.

6 j. The following shall apply with respect to owners or
7 operators requesting a permit shield:

8 i. The Agency shall include in a CAAPP permit,
9 when requested by an applicant pursuant to paragraph
10 (p) of subsection 5 of this Section, a provision
11 stating that compliance with the conditions of the
12 permit shall be deemed compliance with applicable
13 requirements which are applicable as of the date of
14 release of the proposed permit, provided that:

15 A. The applicable requirement is specifically
16 identified within the permit; or

17 B. The Agency in acting on the CAAPP
18 application or revision determines in writing that
19 other requirements specifically identified are not
20 applicable to the source, and the permit includes
21 that determination or a concise summary thereof.

22 ii. The permit shall identify the requirements for
23 which the source is shielded. The shield shall not
24 extend to applicable requirements which are
25 promulgated after the date of release of the proposed
26 permit unless the permit has been modified to reflect

1 such new requirements.

2 iii. A CAAPP permit which does not expressly
3 indicate the existence of a permit shield shall not
4 provide such a shield.

5 iv. Nothing in this paragraph or in a CAAPP permit
6 shall alter or affect the following:

7 A. The provisions of Section 303 (emergency
8 powers) of the Clean Air Act, including USEPA's
9 authority under that section.

10 B. The liability of an owner or operator of a
11 source for any violation of applicable
12 requirements prior to or at the time of permit
13 issuance.

14 C. The applicable requirements of the acid
15 rain program consistent with Section 408(a) of the
16 Clean Air Act.

17 D. The ability of USEPA to obtain information
18 from a source pursuant to Section 114
19 (inspections, monitoring, and entry) of the Clean
20 Air Act.

21 k. Each CAAPP permit shall include an emergency
22 provision providing an affirmative defense of emergency to
23 an action brought for noncompliance with technology-based
24 emission limitations under a CAAPP permit if the following
25 conditions are met through properly signed,
26 contemporaneous operating logs, or other relevant

1 evidence:

2 i. An emergency occurred and the permittee can
3 identify the cause(s) of the emergency.

4 ii. The permitted facility was at the time being
5 properly operated.

6 iii. The permittee submitted notice of the
7 emergency to the Agency within 2 working days after
8 the time when emission limitations were exceeded due
9 to the emergency. This notice must contain a detailed
10 description of the emergency, any steps taken to
11 mitigate emissions, and corrective actions taken.

12 iv. During the period of the emergency the
13 permittee took all reasonable steps to minimize levels
14 of emissions that exceeded the emission limitations,
15 standards, or requirements in the permit.

16 For purposes of this subsection, "emergency" means any
17 situation arising from sudden and reasonably unforeseeable
18 events beyond the control of the source, such as an act of
19 God, that requires immediate corrective action to restore
20 normal operation, and that causes the source to exceed a
21 technology-based emission limitation under the permit, due
22 to unavoidable increases in emissions attributable to the
23 emergency. An emergency shall not include noncompliance to
24 the extent caused by improperly designed equipment, lack
25 of preventative maintenance, careless or improper
26 operation, or operation error.

1 In any enforcement proceeding, the permittee seeking
2 to establish the occurrence of an emergency has the burden
3 of proof. This provision is in addition to any emergency
4 or upset provision contained in any applicable
5 requirement. This provision does not relieve a permittee
6 of any reporting obligations under existing federal or
7 state laws or regulations.

8 1. The Agency shall include in each permit issued
9 under subsection 10 of this Section:

10 i. Terms and conditions for reasonably anticipated
11 operating scenarios identified by the source in its
12 application. The permit terms and conditions for each
13 such operating scenario shall meet all applicable
14 requirements and the requirements of this Section.

15 A. Under this subparagraph, the source must
16 record in a log at the permitted facility a record
17 of the scenario under which it is operating
18 contemporaneously with making a change from one
19 operating scenario to another.

20 B. The permit shield described in paragraph
21 (j) of subsection 7 of this Section shall extend
22 to all terms and conditions under each such
23 operating scenario.

24 ii. Where requested by an applicant, all terms and
25 conditions allowing for trading of emissions increases
26 and decreases between different emission units at the

1 CAAPP source, to the extent that the applicable
2 requirements provide for trading of such emissions
3 increases and decreases without a case-by-case
4 approval of each emissions trade. Such terms and
5 conditions:

6 A. Shall include all terms required under this
7 subsection to determine compliance;

8 B. Must meet all applicable requirements;

9 C. Shall extend the permit shield described in
10 paragraph (j) of subsection 7 of this Section to
11 all terms and conditions that allow such increases
12 and decreases in emissions.

13 m. The Agency shall specifically designate as not
14 being federally enforceable under the Clean Air Act any
15 terms and conditions included in the permit that are not
16 specifically required under the Clean Air Act or federal
17 regulations promulgated thereunder. Terms or conditions so
18 designated shall be subject to all applicable State
19 requirements, except the requirements of subsection 7
20 (other than this paragraph, paragraph q of subsection 7,
21 subsections 8 through 11, and subsections 13 through 16 of
22 this Section). The Agency shall, however, include such
23 terms and conditions in the CAAPP permit issued to the
24 source.

25 n. Each CAAPP permit issued under subsection 10 of
26 this Section shall specify and reference the origin of and

1 authority for each term or condition, and identify any
2 difference in form as compared to the applicable
3 requirement upon which the term or condition is based.

4 o. Each CAAPP permit issued under subsection 10 of
5 this Section shall include provisions stating the
6 following:

7 i. Duty to comply. The permittee must comply with
8 all terms and conditions of the CAAPP permit. Any
9 permit noncompliance constitutes a violation of the
10 Clean Air Act and the Act, and is grounds for any or
11 all of the following: enforcement action; permit
12 termination, revocation and reissuance, or
13 modification; or denial of a permit renewal
14 application.

15 ii. Need to halt or reduce activity not a defense.
16 It shall not be a defense for a permittee in an
17 enforcement action that it would have been necessary
18 to halt or reduce the permitted activity in order to
19 maintain compliance with the conditions of this
20 permit.

21 iii. Permit actions. The permit may be modified,
22 revoked, reopened, and reissued, or terminated for
23 cause in accordance with the applicable subsections of
24 this Section 39.5 ~~of this Act~~. The filing of a request
25 by the permittee for a permit modification, revocation
26 and reissuance, or termination, or of a notification

1 of planned changes or anticipated noncompliance does
2 not stay any permit condition.

3 iv. Property rights. The permit does not convey
4 any property rights of any sort, or any exclusive
5 privilege.

6 v. Duty to provide information. The permittee
7 shall furnish to the Agency within a reasonable time
8 specified by the Agency any information that the
9 Agency may request in writing to determine whether
10 cause exists for modifying, revoking and reissuing, or
11 terminating the permit or to determine compliance with
12 the permit. Upon request, the permittee shall also
13 furnish to the Agency copies of records required to be
14 kept by the permit or, for information claimed to be
15 confidential, the permittee may furnish such records
16 directly to USEPA along with a claim of
17 confidentiality.

18 vi. Duty to pay fees. The permittee must pay fees
19 to the Agency consistent with the fee schedule
20 approved pursuant to subsection 18 of this Section,
21 and submit any information relevant thereto.

22 vii. Emissions trading. No permit revision shall
23 be required for increases in emissions allowed under
24 any approved economic incentives, marketable permits,
25 emissions trading, and other similar programs or
26 processes for changes that are provided for in the

1 permit and that are authorized by the applicable
2 requirement.

3 p. Each CAAPP permit issued under subsection 10 of
4 this Section shall contain the following elements with
5 respect to compliance:

6 i. Compliance certification, testing, monitoring,
7 reporting, and recordkeeping ~~record—keeping~~
8 requirements sufficient to assure compliance with the
9 terms and conditions of the permit. Any document
10 (including reports) required by a CAAPP permit shall
11 contain a certification by a responsible official that
12 meets the requirements of subsection 5 of this Section
13 and applicable regulations.

14 ii. Inspection and entry requirements that
15 necessitate that, upon presentation of credentials and
16 other documents as may be required by law and in
17 accordance with constitutional limitations, the
18 permittee shall allow the Agency, or an authorized
19 representative to perform the following:

20 A. Enter upon the permittee's premises where a
21 CAAPP source is located or emissions-related
22 activity is conducted, or where records must be
23 kept under the conditions of the permit.

24 B. Have access to and copy, at reasonable
25 times, any records that must be kept under the
26 conditions of the permit.

1 C. Inspect at reasonable times any facilities,
2 equipment (including monitoring and air pollution
3 control equipment), practices, or operations
4 regulated or required under the permit.

5 D. Sample or monitor any substances or
6 parameters at any location:

7 1. As authorized by the Clean Air Act, at
8 reasonable times, for the purposes of assuring
9 compliance with the CAAPP permit or applicable
10 requirements; or

11 2. As otherwise authorized by this Act.

12 iii. A schedule of compliance consistent with
13 subsection 5 of this Section and applicable
14 regulations.

15 iv. Progress reports consistent with an applicable
16 schedule of compliance pursuant to paragraph (d) of
17 subsection 5 of this Section and applicable
18 regulations to be submitted semiannually, or more
19 frequently if the Agency determines that such more
20 frequent submittals are necessary for compliance with
21 the Act or regulations promulgated by the Board
22 thereunder. Such progress reports shall contain the
23 following:

24 A. Required dates for achieving the
25 activities, milestones, or compliance required by
26 the schedule of compliance and dates when such

1 activities, milestones, or compliance were
2 achieved.

3 B. An explanation of why any dates in the
4 schedule of compliance were not or will not be
5 met, and any preventive or corrective measures
6 adopted.

7 v. Requirements for compliance certification with
8 terms and conditions contained in the permit,
9 including emission limitations, standards, or work
10 practices. Permits shall include each of the
11 following:

12 A. The frequency (annually or more frequently
13 as specified in any applicable requirement or by
14 the Agency pursuant to written procedures) of
15 submissions of compliance certifications.

16 B. A means for assessing or monitoring the
17 compliance of the source with its emissions
18 limitations, standards, and work practices.

19 C. A requirement that the compliance
20 certification include the following:

21 1. The identification of each term or
22 condition contained in the permit that is the
23 basis of the certification.

24 2. The compliance status.

25 3. Whether compliance was continuous or
26 intermittent.

1 4. The method(s) used for determining the
2 compliance status of the source, both
3 currently and over the reporting period
4 consistent with subsection 7 of this Section.

5 D. A requirement that all compliance
6 certifications be submitted to the Agency.

7 E. Additional requirements as may be specified
8 pursuant to Sections 114(a)(3) and 504(b) of the
9 Clean Air Act.

10 F. Other provisions as the Agency may require.

11 q. If the owner or operator of CAAPP source can
12 demonstrate in its CAAPP application, including an
13 application for a significant modification, that an
14 alternative emission limit would be equivalent to that
15 contained in the applicable Board regulations, the Agency
16 shall include the alternative emission limit in the CAAPP
17 permit, which shall supersede the emission limit set forth
18 in the applicable Board regulations, and shall include
19 conditions that insure that the resulting emission limit
20 is quantifiable, accountable, enforceable, and based on
21 replicable procedures.

22 8. Public Notice; Affected State Review.

23 a. The Agency shall provide notice to the public,
24 including an opportunity for public comment and a hearing,
25 on each draft CAAPP permit for issuance, renewal, or

1 significant modification, subject to Section 7.1 and
2 subsection (a) of Section 7 of this Act.

3 b. The Agency shall prepare a draft CAAPP permit and a
4 statement that sets forth the legal and factual basis for
5 the draft CAAPP permit conditions, including references to
6 the applicable statutory or regulatory provisions. The
7 Agency shall provide this statement to any person who
8 requests it.

9 c. The Agency shall give notice of each draft CAAPP
10 permit to the applicant and to any affected State on or
11 before the time that the Agency has provided notice to the
12 public, except as otherwise provided in this Act.

13 d. The Agency, as part of its submittal of a proposed
14 permit to USEPA (or as soon as possible after the
15 submittal for minor permit modification procedures allowed
16 under subsection 14 of this Section), shall notify USEPA
17 and any affected State in writing of any refusal of the
18 Agency to accept all of the recommendations for the
19 proposed permit that an affected State submitted during
20 the public or affected State review period. The notice
21 shall include the Agency's reasons for not accepting the
22 recommendations. The Agency is not required to accept
23 recommendations that are not based on applicable
24 requirements or the requirements of this Section.

25 e. The Agency shall make available to the public any
26 CAAPP permit application, compliance plan (including the

1 schedule of compliance), CAAPP permit, and emissions or
2 compliance monitoring report. If an owner or operator of a
3 CAAPP source is required to submit information entitled to
4 protection from disclosure under Section 7.1 and
5 subsection (a) of Section 7 of this Act, the owner or
6 operator shall submit such information separately. The
7 requirements of Section 7.1 and subsection (a) of Section
8 7 of this Act shall apply to such information, which shall
9 not be included in a CAAPP permit unless required by law.
10 The contents of a CAAPP permit shall not be entitled to
11 protection under Section 7.1 and subsection (a) of Section
12 7 of this Act.

13 f. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary, to implement this subsection.

17 g. If requested by the permit applicant, the Agency
18 shall provide the permit applicant with a copy of the
19 draft CAAPP permit prior to any public review period. If
20 requested by the permit applicant, the Agency shall
21 provide the permit applicant with a copy of the final
22 CAAPP permit prior to issuance of the CAAPP permit.

23 9. USEPA Notice and Objection.

24 a. The Agency shall provide to USEPA for its review a
25 copy of each CAAPP application (including any application

1 for permit modification), statement of basis as provided
2 in paragraph (b) of subsection 8 of this Section, proposed
3 CAAPP permit, CAAPP permit, and, if the Agency does not
4 incorporate any affected State's recommendations on a
5 proposed CAAPP permit, a written statement of this
6 decision and its reasons for not accepting the
7 recommendations, except as otherwise provided in this Act
8 or by agreement with USEPA. To the extent practicable, the
9 preceding information shall be provided in computer
10 readable format compatible with USEPA's national database
11 management system.

12 b. The Agency shall not issue the proposed CAAPP
13 permit if USEPA objects in writing within 45 days after
14 receipt of the proposed CAAPP permit and all necessary
15 supporting information.

16 c. If USEPA objects in writing to the issuance of the
17 proposed CAAPP permit within the 45-day period, the Agency
18 shall respond in writing and may revise and resubmit the
19 proposed CAAPP permit in response to the stated objection,
20 to the extent supported by the record, within 90 days
21 after the date of the objection. Prior to submitting a
22 revised permit to USEPA, the Agency shall provide the
23 applicant and any person who participated in the public
24 comment process, pursuant to subsection 8 of this Section,
25 with a 10-day period to comment on any revision which the
26 Agency is proposing to make to the permit in response to

1 USEPA's objection in accordance with Agency procedures.

2 d. Any USEPA objection under this subsection,
3 according to the Clean Air Act, will include a statement
4 of reasons for the objection and a description of the
5 terms and conditions that must be in the permit, in order
6 to adequately respond to the objections. Grounds for a
7 USEPA objection include the failure of the Agency to: (1)
8 submit the items and notices required under this
9 subsection; (2) submit any other information necessary to
10 adequately review the proposed CAAPP permit; or (3)
11 process the permit under subsection 8 of this Section
12 except for minor permit modifications.

13 e. If USEPA does not object in writing to issuance of a
14 permit under this subsection, any person may petition
15 USEPA within 60 days after expiration of the 45-day review
16 period to make such objection.

17 f. If the permit has not yet been issued and USEPA
18 objects to the permit as a result of a petition, the Agency
19 shall not issue the permit until USEPA's objection has
20 been resolved. The Agency shall provide a 10-day comment
21 period in accordance with paragraph c of this subsection.
22 A petition does not, however, stay the effectiveness of a
23 permit or its requirements if the permit was issued after
24 expiration of the 45-day review period and prior to a
25 USEPA objection.

26 g. If the Agency has issued a permit after expiration

1 of the 45-day review period and prior to receipt of a USEPA
2 objection under this subsection in response to a petition
3 submitted pursuant to paragraph e of this subsection, the
4 Agency may, upon receipt of an objection from USEPA,
5 revise and resubmit the permit to USEPA pursuant to this
6 subsection after providing a 10-day comment period in
7 accordance with paragraph c of this subsection. If the
8 Agency fails to submit a revised permit in response to the
9 objection, USEPA shall modify, terminate, or revoke the
10 permit. In any case, the source will not be in violation of
11 the requirement to have submitted a timely and complete
12 application.

13 h. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary, to implement this subsection.

17 10. Final Agency Action.

18 a. The Agency shall issue a CAAPP permit, permit
19 modification, or permit renewal if all of the following
20 conditions are met:

21 i. The applicant has submitted a complete and
22 certified application for a permit, permit
23 modification, or permit renewal consistent with
24 subsections 5 and 14 of this Section, as applicable,
25 and applicable regulations.

1 ii. The applicant has submitted with its complete
2 application an approvable compliance plan, including a
3 schedule for achieving compliance, consistent with
4 subsection 5 of this Section and applicable
5 regulations.

6 iii. The applicant has timely paid the fees
7 required pursuant to subsection 18 of this Section and
8 applicable regulations.

9 iv. The Agency has received a complete CAAPP
10 application and, if necessary, has requested and
11 received additional information from the applicant
12 consistent with subsection 5 of this Section and
13 applicable regulations.

14 v. The Agency has complied with all applicable
15 provisions regarding public notice and affected State
16 review consistent with subsection 8 of this Section
17 and applicable regulations.

18 vi. The Agency has provided a copy of each CAAPP
19 application, or summary thereof, pursuant to agreement
20 with USEPA and proposed CAAPP permit required under
21 subsection 9 of this Section to USEPA, and USEPA has
22 not objected to the issuance of the permit in
23 accordance with the Clean Air Act and 40 CFR Part 70.

24 b. The Agency shall have the authority to deny a CAAPP
25 permit, permit modification, or permit renewal if the
26 applicant has not complied with the requirements of

1 subparagraphs (i) through (iv) of paragraph (a) of this
2 subsection or if USEPA objects to its issuance.

3 c. i. Prior to denial of a CAAPP permit, permit
4 modification, or permit renewal under this Section,
5 the Agency shall notify the applicant of the possible
6 denial and the reasons for the denial.

7 ii. Within such notice, the Agency shall specify
8 an appropriate date by which the applicant shall
9 adequately respond to the Agency's notice. Such date
10 shall not exceed 15 days from the date the
11 notification is received by the applicant. The Agency
12 may grant a reasonable extension for good cause shown.

13 iii. Failure by the applicant to adequately
14 respond by the date specified in the notification or
15 by any granted extension date shall be grounds for
16 denial of the permit.

17 For purposes of obtaining judicial review under
18 Sections 40.2 and 41 of this Act, the Agency shall
19 provide to USEPA and each applicant, and, upon
20 request, to affected States, any person who
21 participated in the public comment process, and any
22 other person who could obtain judicial review under
23 Sections 40.2 and 41 of this Act, a copy of each CAAPP
24 permit or notification of denial pertaining to that
25 party.

26 d. The Agency shall have the authority to adopt

1 procedural rules, in accordance with the Illinois
2 Administrative Procedure Act, as the Agency deems
3 necessary, to implement this subsection.

4 11. General Permits.

5 a. The Agency may issue a general permit covering
6 numerous similar sources, except for affected sources for
7 acid deposition unless otherwise provided in regulations
8 promulgated under Title IV of the Clean Air Act.

9 b. The Agency shall identify, in any general permit,
10 criteria by which sources may qualify for the general
11 permit.

12 c. CAAPP sources that would qualify for a general
13 permit must apply for coverage under the terms of the
14 general permit or must apply for a CAAPP permit consistent
15 with subsection 5 of this Section and applicable
16 regulations.

17 d. The Agency shall comply with the public comment and
18 hearing provisions of this Section as well as the USEPA
19 and affected State review procedures prior to issuance of
20 a general permit.

21 e. When granting a subsequent request by a qualifying
22 CAAPP source for coverage under the terms of a general
23 permit, the Agency shall not be required to repeat the
24 public notice and comment procedures. The granting of such
25 request shall not be considered a final permit action for

1 purposes of judicial review.

2 f. The Agency may not issue a general permit to cover
3 any discrete emission unit at a CAAPP source if another
4 CAAPP permit covers emission units at the source.

5 g. The Agency shall have the authority to adopt
6 procedural rules, in accordance with the Illinois
7 Administrative Procedure Act, as the Agency deems
8 necessary, to implement this subsection.

9 12. Operational Flexibility.

10 a. An owner or operator of a CAAPP source may make
11 changes at the CAAPP source without requiring a prior
12 permit revision, consistent with subparagraphs (i) through
13 (iii) of paragraph (a) of this subsection, so long as the
14 changes are not modifications under any provision of Title
15 I of the Clean Air Act and they do not exceed the emissions
16 allowable under the permit (whether expressed therein as a
17 rate of emissions or in terms of total emissions),
18 provided that the owner or operator of the CAAPP source
19 provides USEPA and the Agency with written notification as
20 required below in advance of the proposed changes, which
21 shall be a minimum of 7 days, unless otherwise provided by
22 the Agency in applicable regulations regarding
23 emergencies. The owner or operator of a CAAPP source and
24 the Agency shall each attach such notice to their copy of
25 the relevant permit.

1 i. An owner or operator of a CAAPP source may make
2 Section 502 (b) (10) changes without a permit
3 revision, if the changes are not modifications under
4 any provision of Title I of the Clean Air Act and the
5 changes do not exceed the emissions allowable under
6 the permit (whether expressed therein as a rate of
7 emissions or in terms of total emissions).

8 A. For each such change, the written
9 notification required above shall include a brief
10 description of the change within the source, the
11 date on which the change will occur, any change in
12 emissions, and any permit term or condition that
13 is no longer applicable as a result of the change.

14 B. The permit shield described in paragraph
15 (j) of subsection 7 of this Section shall not
16 apply to any change made pursuant to this
17 subparagraph.

18 ii. An owner or operator of a CAAPP source may
19 trade increases and decreases in emissions in the
20 CAAPP source, where the applicable implementation plan
21 provides for such emission trades without requiring a
22 permit revision. This provision is available in those
23 cases where the permit does not already provide for
24 such emissions trading.

25 A. Under this subparagraph (ii) of paragraph
26 (a) of this subsection, the written notification

1 required above shall include such information as
2 may be required by the provision in the applicable
3 implementation plan authorizing the emissions
4 trade, including, at a minimum, when the proposed
5 changes will occur, a description of each such
6 change, any change in emissions, the permit
7 requirements with which the source will comply
8 using the emissions trading provisions of the
9 applicable implementation plan, and the pollutants
10 emitted subject to the emissions trade. The notice
11 shall also refer to the provisions in the
12 applicable implementation plan with which the
13 source will comply and provide for the emissions
14 trade.

15 B. The permit shield described in paragraph
16 (j) of subsection 7 of this Section shall not
17 apply to any change made pursuant to subparagraph
18 (ii) of paragraph (a) of this subsection.
19 Compliance with the permit requirements that the
20 source will meet using the emissions trade shall
21 be determined according to the requirements of the
22 applicable implementation plan authorizing the
23 emissions trade.

24 iii. If requested within a CAAPP application, the
25 Agency shall issue a CAAPP permit which contains terms
26 and conditions, including all terms required under

1 subsection 7 of this Section to determine compliance,
2 allowing for the trading of emissions increases and
3 decreases at the CAAPP source solely for the purpose
4 of complying with a federally enforceable
5 ~~federally enforceable~~ emissions cap that is
6 established in the permit independent of otherwise
7 applicable requirements. The owner or operator of a
8 CAAPP source shall include in its CAAPP application
9 proposed replicable procedures and permit terms that
10 ensure the emissions trades are quantifiable and
11 enforceable. The permit shall also require compliance
12 with all applicable requirements.

13 A. Under this subparagraph (iii) of paragraph
14 (a), the written notification required above shall
15 state when the change will occur and shall
16 describe the changes in emissions that will result
17 and how these increases and decreases in emissions
18 will comply with the terms and conditions of the
19 permit.

20 B. The permit shield described in paragraph
21 (j) of subsection 7 of this Section shall extend
22 to terms and conditions that allow such increases
23 and decreases in emissions.

24 b. An owner or operator of a CAAPP source may make
25 changes that are not addressed or prohibited by the
26 permit, other than those which are subject to any

1 requirements under Title IV of the Clean Air Act or are
2 modifications under any provisions of Title I of the Clean
3 Air Act, without a permit revision, in accordance with the
4 following requirements:

5 (i) Each such change shall meet all applicable
6 requirements and shall not violate any existing permit
7 term or condition;

8 (ii) Sources must provide contemporaneous written
9 notice to the Agency and USEPA of each such change,
10 except for changes that qualify as insignificant under
11 provisions adopted by the Agency or the Board. Such
12 written notice shall describe each such change,
13 including the date, any change in emissions,
14 pollutants emitted, and any applicable requirement
15 that would apply as a result of the change;

16 (iii) The change shall not qualify for the shield
17 described in paragraph (j) of subsection 7 of this
18 Section; and

19 (iv) The permittee shall keep a record describing
20 changes made at the source that result in emissions of
21 a regulated air pollutant subject to an applicable
22 Clean Air Act requirement, but not otherwise regulated
23 under the permit, and the emissions resulting from
24 those changes.

25 c. The Agency shall have the authority to adopt
26 procedural rules, in accordance with the Illinois

1 Administrative Procedure Act, as the Agency deems
2 necessary to implement this subsection.

3 13. Administrative Permit Amendments.

4 a. The Agency shall take final action on a request for
5 an administrative permit amendment within 60 days after
6 receipt of the request. Neither notice nor an opportunity
7 for public and affected State comment shall be required
8 for the Agency to incorporate such revisions, provided it
9 designates the permit revisions as having been made
10 pursuant to this subsection.

11 b. The Agency shall submit a copy of the revised
12 permit to USEPA.

13 c. For purposes of this Section the term
14 "administrative permit amendment" shall be defined as a
15 permit revision that can accomplish one or more of the
16 changes described below:

17 i. Corrects typographical errors;

18 ii. Identifies a change in the name, address, or
19 phone number of any person identified in the permit,
20 or provides a similar minor administrative change at
21 the source;

22 iii. Requires more frequent monitoring or
23 reporting by the permittee;

24 iv. Allows for a change in ownership or
25 operational control of a source where the Agency

1 determines that no other change in the permit is
2 necessary, provided that a written agreement
3 containing a specific date for transfer of permit
4 responsibility, coverage, and liability between the
5 current and new permittees has been submitted to the
6 Agency;

7 v. Incorporates into the CAAPP permit the
8 requirements from preconstruction review permits
9 authorized under a USEPA-approved program, provided
10 the program meets procedural and compliance
11 requirements substantially equivalent to those
12 contained in this Section;

13 vi. (Blank); or

14 vii. Any other type of change which USEPA has
15 determined as part of the approved CAAPP permit
16 program to be similar to those included in this
17 subsection.

18 d. The Agency shall, upon taking final action granting
19 a request for an administrative permit amendment, allow
20 coverage by the permit shield in paragraph (j) of
21 subsection 7 of this Section for administrative permit
22 amendments made pursuant to subparagraph (v) of paragraph
23 (c) of this subsection which meet the relevant
24 requirements for significant permit modifications.

25 e. Permit revisions and modifications, including
26 administrative amendments and automatic amendments

1 (pursuant to Sections 408(b) and 403(d) of the Clean Air
2 Act or regulations promulgated thereunder), for purposes
3 of the acid rain portion of the permit shall be governed by
4 the regulations promulgated under Title IV of the Clean
5 Air Act. Owners or operators of affected sources for acid
6 deposition shall have the flexibility to amend their
7 compliance plans as provided in the regulations
8 promulgated under Title IV of the Clean Air Act.

9 f. The CAAPP source may implement the changes
10 addressed in the request for an administrative permit
11 amendment immediately upon submittal of the request.

12 g. The Agency shall have the authority to adopt
13 procedural rules, in accordance with the Illinois
14 Administrative Procedure Act, as the Agency deems
15 necessary, to implement this subsection.

16 14. Permit Modifications.

17 a. Minor permit modification procedures.

18 i. The Agency shall review a permit modification
19 using the "minor permit" modification procedures only
20 for those permit modifications that:

21 A. Do not violate any applicable requirement;

22 B. Do not involve significant changes to
23 existing monitoring, reporting, or recordkeeping
24 requirements in the permit;

25 C. Do not require a case-by-case determination

1 of an emission limitation or other standard, or a
2 source-specific determination of ambient impacts,
3 or a visibility or increment analysis;

4 D. Do not seek to establish or change a permit
5 term or condition for which there is no
6 corresponding underlying requirement and which
7 avoids an applicable requirement to which the
8 source would otherwise be subject. Such terms and
9 conditions include:

10 1. A federally enforceable emissions cap
11 assumed to avoid classification as a
12 modification under any provision of Title I of
13 the Clean Air Act; and

14 2. An alternative emissions limit approved
15 pursuant to regulations promulgated under
16 Section 112(i)(5) of the Clean Air Act;

17 E. Are not modifications under any provision
18 of Title I of the Clean Air Act; and

19 F. Are not required to be processed as a
20 significant modification.

21 ii. Notwithstanding subparagraph (i) of paragraph
22 (a) and subparagraph (ii) of paragraph (b) of this
23 subsection, minor permit modification procedures may
24 be used for permit modifications involving the use of
25 economic incentives, marketable permits, emissions
26 trading, and other similar approaches, to the extent

1 that such minor permit modification procedures are
2 explicitly provided for in an applicable
3 implementation plan or in applicable requirements
4 promulgated by USEPA.

5 iii. An applicant requesting the use of minor
6 permit modification procedures shall meet the
7 requirements of subsection 5 of this Section and shall
8 include the following in its application:

9 A. A description of the change, the emissions
10 resulting from the change, and any new applicable
11 requirements that will apply if the change occurs;

12 B. The source's suggested draft permit;

13 C. Certification by a responsible official,
14 consistent with paragraph (e) of subsection 5 of
15 this Section and applicable regulations, that the
16 proposed modification meets the criteria for use
17 of minor permit modification procedures and a
18 request that such procedures be used; and

19 D. Completed forms for the Agency to use to
20 notify USEPA and affected States as required under
21 subsections 8 and 9 of this Section.

22 iv. Within 5 working days after receipt of a
23 complete permit modification application, the Agency
24 shall notify USEPA and affected States of the
25 requested permit modification in accordance with
26 subsections 8 and 9 of this Section. The Agency

1 promptly shall send any notice required under
2 paragraph (d) of subsection 8 of this Section to
3 USEPA.

4 v. The Agency may not issue a final permit
5 modification until after the 45-day review period for
6 USEPA or until USEPA has notified the Agency that
7 USEPA will not object to the issuance of the permit
8 modification, whichever comes first, although the
9 Agency can approve the permit modification prior to
10 that time. Within 90 days after the Agency's receipt
11 of an application under the minor permit modification
12 procedures or 15 days after the end of USEPA's 45-day
13 review period under subsection 9 of this Section,
14 whichever is later, the Agency shall:

15 A. Issue the permit modification as proposed;

16 B. Deny the permit modification application;

17 C. Determine that the requested modification
18 does not meet the minor permit modification
19 criteria and should be reviewed under the
20 significant modification procedures; or

21 D. Revise the draft permit modification and
22 transmit to USEPA the new proposed permit
23 modification as required by subsection 9 of this
24 Section.

25 vi. Any CAAPP source may make the change proposed
26 in its minor permit modification application

1 immediately after it files such application. After the
2 CAAPP source makes the change allowed by the preceding
3 sentence, and until the Agency takes any of the
4 actions specified in items (A) through (C) of
5 subparagraph (v) of paragraph (a) of this subsection,
6 the source must comply with both the applicable
7 requirements governing the change and the proposed
8 permit terms and conditions. During this time period,
9 the source need not comply with the existing permit
10 terms and conditions it seeks to modify. If the source
11 fails to comply with its proposed permit terms and
12 conditions during this time period, the existing
13 permit terms and conditions which it seeks to modify
14 may be enforced against it.

15 vii. The permit shield under paragraph (j) of
16 subsection 7 of this Section may not extend to minor
17 permit modifications.

18 viii. If a construction permit is required,
19 pursuant to subsection (a) of Section 39 of this Act
20 and regulations thereunder, for a change for which the
21 minor permit modification procedures are applicable,
22 the source may request that the processing of the
23 construction permit application be consolidated with
24 the processing of the application for the minor permit
25 modification. In such cases, the provisions of this
26 Section, including those within subsections 5, 8, and

1 9, shall apply and the Agency shall act on such
2 applications pursuant to subparagraph (v) of paragraph
3 (a) of subsection 14 of this Section. The source may
4 make the proposed change immediately after filing its
5 application for the minor permit modification. Nothing
6 in this subparagraph shall otherwise affect the
7 requirements and procedures applicable to construction
8 permits.

9 b. Group Processing of Minor Permit Modifications.

10 i. Where requested by an applicant within its
11 application, the Agency shall process groups of a
12 source's applications for certain modifications
13 eligible for minor permit modification processing in
14 accordance with the provisions of this paragraph (b).

15 ii. Permit modifications may be processed in
16 accordance with the procedures for group processing,
17 for those modifications:

18 A. Which meet the criteria for minor permit
19 modification procedures under subparagraph (i) of
20 paragraph (a) of subsection 14 of this Section;
21 and

22 B. That collectively are below 10 percent of
23 the emissions allowed by the permit for the
24 emissions unit for which change is requested, 20
25 percent of the applicable definition of major
26 source set forth in subsection 2 of this Section,

1 or 5 tons per year, whichever is least.

2 iii. An applicant requesting the use of group
3 processing procedures shall meet the requirements of
4 subsection 5 of this Section and shall include the
5 following in its application:

6 A. A description of the change, the emissions
7 resulting from the change, and any new applicable
8 requirements that will apply if the change occurs.

9 B. The source's suggested draft permit.

10 C. Certification by a responsible official
11 consistent with paragraph (e) of subsection 5 of
12 this Section, that the proposed modification meets
13 the criteria for use of group processing
14 procedures and a request that such procedures be
15 used.

16 D. A list of the source's other pending
17 applications awaiting group processing, and a
18 determination of whether the requested
19 modification, aggregated with these other
20 applications, equals or exceeds the threshold set
21 under item (B) of subparagraph (ii) of paragraph
22 (b) of this subsection.

23 E. Certification, consistent with paragraph
24 (e) of subsection 5 of this Section, that the
25 source has notified USEPA of the proposed
26 modification. Such notification need only contain

1 a brief description of the requested modification.

2 F. Completed forms for the Agency to use to
3 notify USEPA and affected states as required under
4 subsections 8 and 9 of this Section.

5 iv. On a quarterly basis or within 5 business days
6 after receipt of an application demonstrating that the
7 aggregate of a source's pending applications equals or
8 exceeds the threshold level set forth within item (B)
9 of subparagraph (ii) of paragraph (b) of this
10 subsection, whichever is earlier, the Agency shall
11 promptly notify USEPA and affected States of the
12 requested permit modifications in accordance with
13 subsections 8 and 9 of this Section. The Agency shall
14 send any notice required under paragraph (d) of
15 subsection 8 of this Section to USEPA.

16 v. The provisions of subparagraph (v) of paragraph
17 (a) of this subsection shall apply to modifications
18 eligible for group processing, except that the Agency
19 shall take one of the actions specified in items (A)
20 through (D) of subparagraph (v) of paragraph (a) of
21 this subsection within 180 days after receipt of the
22 application or 15 days after the end of USEPA's 45-day
23 review period under subsection 9 of this Section,
24 whichever is later.

25 vi. The provisions of subparagraph (vi) of
26 paragraph (a) of this subsection shall apply to

1 modifications for group processing.

2 vii. The provisions of paragraph (j) of subsection
3 7 of this Section shall not apply to modifications
4 eligible for group processing.

5 c. Significant Permit Modifications.

6 i. Significant modification procedures shall be
7 used for applications requesting significant permit
8 modifications and for those applications that do not
9 qualify as either minor permit modifications or as
10 administrative permit amendments.

11 ii. Every significant change in existing
12 monitoring permit terms or conditions and every
13 relaxation of reporting or recordkeeping requirements
14 shall be considered significant. A modification shall
15 also be considered significant if in the judgment of
16 the Agency action on an application for modification
17 would require decisions to be made on technically
18 complex issues. Nothing herein shall be construed to
19 preclude the permittee from making changes consistent
20 with this Section that would render existing permit
21 compliance terms and conditions irrelevant.

22 iii. Significant permit modifications must meet
23 all the requirements of this Section, including those
24 for applications (including completeness review),
25 public participation, review by affected States, and
26 review by USEPA applicable to initial permit issuance

1 and permit renewal. The Agency shall take final action
2 on significant permit modifications within 9 months
3 after receipt of a complete application.

4 d. The Agency shall have the authority to adopt
5 procedural rules, in accordance with the Illinois
6 Administrative Procedure Act, as the Agency deems
7 necessary, to implement this subsection.

8 15. Reopenings for Cause by the Agency.

9 a. Each issued CAAPP permit shall include provisions
10 specifying the conditions under which the permit will be
11 reopened prior to the expiration of the permit. Such
12 revisions shall be made as expeditiously as practicable. A
13 CAAPP permit shall be reopened and revised under any of
14 the following circumstances, in accordance with procedures
15 adopted by the Agency:

16 i. Additional requirements under the Clean Air Act
17 become applicable to a major CAAPP source for which 3
18 or more years remain on the original term of the
19 permit. Such a reopening shall be completed not later
20 than 18 months after the promulgation of the
21 applicable requirement. No such revision is required
22 if the effective date of the requirement is later than
23 the date on which the permit is due to expire.

24 ii. Additional requirements (including excess
25 emissions requirements) become applicable to an

1 affected source for acid deposition under the acid
2 rain program. Excess emissions offset plans shall be
3 deemed to be incorporated into the permit upon
4 approval by USEPA.

5 iii. The Agency or USEPA determines that the
6 permit contains a material mistake or that inaccurate
7 statements were made in establishing the emissions
8 standards, limitations, or other terms or conditions
9 of the permit.

10 iv. The Agency or USEPA determines that the permit
11 must be revised or revoked to assure compliance with
12 the applicable requirements.

13 b. In the event that the Agency determines that there
14 are grounds for revoking a CAAPP permit, for cause,
15 consistent with paragraph a of this subsection, it shall
16 file a petition before the Board setting forth the basis
17 for such revocation. In any such proceeding, the Agency
18 shall have the burden of establishing that the permit
19 should be revoked under the standards set forth in this
20 Act and the Clean Air Act. Any such proceeding shall be
21 conducted pursuant to the Board's procedures for
22 adjudicatory hearings and the Board shall render its
23 decision within 120 days of the filing of the petition.
24 The Agency shall take final action to revoke and reissue a
25 CAAPP permit consistent with the Board's order.

26 c. Proceedings regarding a reopened CAAPP permit shall

1 follow the same procedures as apply to initial permit
2 issuance and shall affect only those parts of the permit
3 for which cause to reopen exists.

4 d. Reopenings under paragraph (a) of this subsection
5 shall not be initiated before a notice of such intent is
6 provided to the CAAPP source by the Agency at least 30 days
7 in advance of the date that the permit is to be reopened,
8 except that the Agency may provide a shorter time period
9 in the case of an emergency.

10 e. The Agency shall have the authority to adopt
11 procedural rules, in accordance with the Illinois
12 Administrative Procedure Act, as the Agency deems
13 necessary, to implement this subsection.

14 16. Reopenings for Cause by USEPA.

15 a. When USEPA finds that cause exists to terminate,
16 modify, or revoke and reissue a CAAPP permit pursuant to
17 subsection 15 of this Section, and thereafter notifies the
18 Agency and the permittee of such finding in writing, the
19 Agency shall forward to USEPA and the permittee a proposed
20 determination of termination, modification, or revocation
21 and reissuance as appropriate, in accordance with
22 paragraph (b) of this subsection. The Agency's proposed
23 determination shall be in accordance with the record, the
24 Clean Air Act, regulations promulgated thereunder, this
25 Act and regulations promulgated thereunder. Such proposed

1 determination shall not affect the permit or constitute a
2 final permit action for purposes of this Act or the
3 Administrative Review Law. The Agency shall forward to
4 USEPA such proposed determination within 90 days after
5 receipt of the notification from USEPA. If additional time
6 is necessary to submit the proposed determination, the
7 Agency shall request a 90-day extension from USEPA and
8 shall submit the proposed determination within 180 days
9 after receipt of notification from USEPA.

10 b. i. Prior to the Agency's submittal to USEPA of a
11 proposed determination to terminate or revoke and
12 reissue the permit, the Agency shall file a petition
13 before the Board setting forth USEPA's objection, the
14 permit record, the Agency's proposed determination,
15 and the justification for its proposed determination.
16 The Board shall conduct a hearing pursuant to the
17 rules prescribed by Section 32 of this Act, and the
18 burden of proof shall be on the Agency.

19 ii. After due consideration of the written and
20 oral statements, the testimony and arguments that
21 shall be submitted at hearing, the Board shall issue
22 and enter an interim order for the proposed
23 determination, which shall set forth all changes, if
24 any, required in the Agency's proposed determination.
25 The interim order shall comply with the requirements
26 for final orders as set forth in Section 33 of this

1 Act. Issuance of an interim order by the Board under
2 this paragraph, however, shall not affect the permit
3 status and does not constitute a final action for
4 purposes of this Act or the Administrative Review Law.

5 iii. The Board shall cause a copy of its interim
6 order to be served upon all parties to the proceeding
7 as well as upon USEPA. The Agency shall submit the
8 proposed determination to USEPA in accordance with the
9 Board's Interim Order within 180 days after receipt of
10 the notification from USEPA.

11 c. USEPA shall review the proposed determination to
12 terminate, modify, or revoke and reissue the permit within
13 90 days after receipt.

14 i. When USEPA reviews the proposed determination
15 to terminate or revoke and reissue and does not
16 object, the Board shall, within 7 days after receipt
17 of USEPA's final approval, enter the interim order as
18 a final order. The final order may be appealed as
19 provided by Title XI of this Act. The Agency shall take
20 final action in accordance with the Board's final
21 order.

22 ii. When USEPA reviews such proposed determination
23 to terminate or revoke and reissue and objects, the
24 Agency shall submit USEPA's objection and the Agency's
25 comments and recommendation on the objection to the
26 Board and permittee. The Board shall review its

1 interim order in response to USEPA's objection and the
2 Agency's comments and recommendation and issue a final
3 order in accordance with Sections 32 and 33 of this
4 Act. The Agency shall, within 90 days after receipt of
5 such objection, respond to USEPA's objection in
6 accordance with the Board's final order.

7 iii. When USEPA reviews such proposed
8 determination to modify and objects, the Agency shall,
9 within 90 days after receipt of the objection, resolve
10 the objection and modify the permit in accordance with
11 USEPA's objection, based upon the record, the Clean
12 Air Act, regulations promulgated thereunder, this Act,
13 and regulations promulgated thereunder.

14 d. If the Agency fails to submit the proposed
15 determination pursuant to paragraph a of this subsection
16 or fails to resolve any USEPA objection pursuant to
17 paragraph c of this subsection, USEPA will terminate,
18 modify, or revoke and reissue the permit.

19 e. The Agency shall have the authority to adopt
20 procedural rules, in accordance with the Illinois
21 Administrative Procedure Act, as the Agency deems
22 necessary, to implement this subsection.

23 17. Title IV; Acid Rain Provisions.

24 a. The Agency shall act on initial CAAPP applications
25 for affected sources for acid deposition in accordance

1 with this Section and Title V of the Clean Air Act and
2 regulations promulgated thereunder, except as modified by
3 Title IV of the Clean Air Act and regulations promulgated
4 thereunder. The Agency shall issue initial CAAPP permits
5 to the affected sources for acid deposition which shall
6 become effective no earlier than January 1, 1995, and
7 which shall terminate on December 31, 1999, in accordance
8 with this Section. Subsequent CAAPP permits issued to
9 affected sources for acid deposition shall be issued for a
10 fixed term of 5 years. Title IV of the Clean Air Act and
11 regulations promulgated thereunder, including, but not
12 limited to, 40 CFR ~~C.F.R.~~ Part 72, as now or hereafter
13 amended, are applicable to and enforceable under this Act.

14 b. A designated representative of an affected source
15 for acid deposition shall submit a timely and complete
16 Phase II acid rain permit application and compliance plan
17 to the Agency, not later than January 1, 1996, that meets
18 the requirements of Titles IV and V of the Clean Air Act
19 and regulations. The Agency shall act on the Phase II acid
20 rain permit application and compliance plan in accordance
21 with this Section and Title V of the Clean Air Act and
22 regulations promulgated thereunder, except as modified by
23 Title IV of the Clean Air Act and regulations promulgated
24 thereunder. The Agency shall issue the Phase II acid rain
25 permit to an affected source for acid deposition no later
26 than December 31, 1997, which shall become effective on

1 January 1, 2000, in accordance with this Section, except
2 as modified by Title IV and regulations promulgated
3 thereunder; provided that the designated representative of
4 the source submitted a timely and complete Phase II permit
5 application and compliance plan to the Agency that meets
6 the requirements of Title IV and V of the Clean Air Act and
7 regulations.

8 c. Each Phase II acid rain permit issued in accordance
9 with this subsection shall have a fixed term of 5 years.
10 Except as provided in paragraph b above, the Agency shall
11 issue or deny a Phase II acid rain permit within 18 months
12 of receiving a complete Phase II permit application and
13 compliance plan.

14 d. A designated representative of a new unit, as
15 defined in Section 402 of the Clean Air Act, shall submit a
16 timely and complete Phase II acid rain permit application
17 and compliance plan that meets the requirements of Titles
18 IV and V of the Clean Air Act and its regulations. The
19 Agency shall act on the new unit's Phase II acid rain
20 permit application and compliance plan in accordance with
21 this Section and Title V of the Clean Air Act and its
22 regulations, except as modified by Title IV of the Clean
23 Air Act and its regulations. The Agency shall reopen the
24 new unit's CAAPP permit for cause to incorporate the
25 approved Phase II acid rain permit in accordance with this
26 Section. The Phase II acid rain permit for the new unit

1 shall become effective no later than the date required
2 under Title IV of the Clean Air Act and its regulations.

3 e. A designated representative of an affected source
4 for acid deposition shall submit a timely and complete
5 Title IV NOx permit application to the Agency, not later
6 than January 1, 1998, that meets the requirements of
7 Titles IV and V of the Clean Air Act and its regulations.
8 The Agency shall reopen the Phase II acid rain permit for
9 cause and incorporate the approved NOx provisions into the
10 Phase II acid rain permit not later than January 1, 1999,
11 in accordance with this Section, except as modified by
12 Title IV of the Clean Air Act and regulations promulgated
13 thereunder. Such reopening shall not affect the term of
14 the Phase II acid rain permit.

15 f. The designated representative of the affected
16 source for acid deposition shall renew the initial CAAPP
17 permit and Phase II acid rain permit in accordance with
18 this Section and Title V of the Clean Air Act and
19 regulations promulgated thereunder, except as modified by
20 Title IV of the Clean Air Act and regulations promulgated
21 thereunder.

22 g. In the case of an affected source for acid
23 deposition for which a complete Phase II acid rain permit
24 application and compliance plan are timely received under
25 this subsection, the complete permit application and
26 compliance plan, including amendments thereto, shall be

1 binding on the owner, operator and designated
2 representative, all affected units for acid deposition at
3 the affected source, and any other unit, as defined in
4 Section 402 of the Clean Air Act, governed by the Phase II
5 acid rain permit application and shall be enforceable as
6 an acid rain permit for purposes of Titles IV and V of the
7 Clean Air Act, from the date of submission of the acid rain
8 permit application until a Phase II acid rain permit is
9 issued or denied by the Agency.

10 h. The Agency shall not include or implement any
11 measure which would interfere with or modify the
12 requirements of Title IV of the Clean Air Act or
13 regulations promulgated thereunder.

14 i. Nothing in this Section shall be construed as
15 affecting allowances or USEPA's decision regarding an
16 excess emissions offset plan, as set forth in Title IV of
17 the Clean Air Act or regulations promulgated thereunder.

18 i. No permit revision shall be required for
19 increases in emissions that are authorized by
20 allowances acquired pursuant to the acid rain program,
21 provided that such increases do not require a permit
22 revision under any other applicable requirement.

23 ii. No limit shall be placed on the number of
24 allowances held by the source. The source may not,
25 however, use allowances as a defense to noncompliance
26 with any other applicable requirement.

1 iii. Any such allowance shall be accounted for
2 according to the procedures established in regulations
3 promulgated under Title IV of the Clean Air Act.

4 j. To the extent that the federal regulations
5 promulgated under Title IV, including, but not limited to,
6 40 CFR ~~C.F.R.~~ Part 72, as now or hereafter amended, are
7 inconsistent with the federal regulations promulgated
8 under Title V, the federal regulations promulgated under
9 Title IV shall take precedence.

10 k. The USEPA may intervene as a matter of right in any
11 permit appeal involving a Phase II acid rain permit
12 provision or denial of a Phase II acid rain permit.

13 l. It is unlawful for any owner or operator to violate
14 any terms or conditions of a Phase II acid rain permit
15 issued under this subsection, to operate any affected
16 source for acid deposition except in compliance with a
17 Phase II acid rain permit issued by the Agency under this
18 subsection, or to violate any other applicable
19 requirements.

20 m. The designated representative of an affected source
21 for acid deposition shall submit to the Agency the data
22 and information submitted quarterly to USEPA, pursuant to
23 40 CFR 75.64, concurrently with the submission to USEPA.
24 The submission shall be in the same electronic format as
25 specified by USEPA.

26 n. The Agency shall act on any petition for exemption

1 of a new unit or retired unit, as those terms are defined
2 in Section 402 of the Clean Air Act, from the requirements
3 of the acid rain program in accordance with Title IV of the
4 Clean Air Act and its regulations.

5 o. The Agency shall have the authority to adopt
6 procedural rules, in accordance with the Illinois
7 Administrative Procedure Act, as the Agency deems
8 necessary to implement this subsection.

9 18. Fee Provisions.

10 a. A source subject to this Section or excluded under
11 subsection 1.1 or paragraph (c) of subsection 3 of this
12 Section, shall pay a fee as provided in this paragraph (a)
13 of subsection 18. However, a source that has been excluded
14 from the provisions of this Section under subsection 1.1
15 or under paragraph (c) of subsection 3 of this Section
16 because the source emits less than 25 tons per year of any
17 combination of regulated air pollutants, except greenhouse
18 gases, shall pay fees in accordance with paragraph (1) of
19 subsection (b) of Section 9.6.

20 i. The fee for a source allowed to emit less than
21 100 tons per year of any combination of regulated air
22 pollutants, except greenhouse gases, shall be \$1,800
23 per year, and that fee shall increase, beginning
24 January 1, 2012, to \$2,150 per year.

25 ii. The fee for a source allowed to emit 100 tons

1 or more per year of any combination of regulated air
2 pollutants, except greenhouse gases and those
3 regulated air pollutants excluded in paragraph (f) of
4 this subsection 18, shall be as follows:

5 A. The Agency shall assess a fee of \$18 per
6 ton, per year for the allowable emissions of
7 regulated air pollutants subject to this
8 subparagraph (ii) of paragraph (a) of subsection
9 18, and that fee shall increase, beginning January
10 1, 2012, to \$21.50 per ton, per year. These fees
11 shall be used by the Agency and the Board to fund
12 the activities required by Title V of the Clean
13 Air Act including such activities as may be
14 carried out by other State or local agencies
15 pursuant to paragraph (d) of this subsection. The
16 amount of such fee shall be based on the
17 information supplied by the applicant in its
18 complete CAAPP permit application or in the CAAPP
19 permit if the permit has been granted and shall be
20 determined by the amount of emissions that the
21 source is allowed to emit annually, provided
22 however, that the maximum fee for a CAAPP permit
23 under this subparagraph (ii) of paragraph (a) of
24 subsection 18 is \$250,000, and increases,
25 beginning January 1, 2012, to \$294,000. Beginning
26 January 1, 2012, the maximum fee under this

1 subparagraph (ii) of paragraph (a) of subsection
2 18 for a source that has been excluded under
3 subsection 1.1 of this Section or under paragraph
4 (c) of subsection 3 of this Section is \$4,112. The
5 Agency shall provide as part of the permit
6 application form required under subsection 5 of
7 this Section a separate fee calculation form which
8 will allow the applicant to identify the allowable
9 emissions and calculate the fee. In no event shall
10 the Agency raise the amount of allowable emissions
11 requested by the applicant unless such increases
12 are required to demonstrate compliance with terms
13 of a CAAPP permit.

14 Notwithstanding the above, any applicant may
15 seek a change in its permit which would result in
16 increases in allowable emissions due to an
17 increase in the hours of operation or production
18 rates of an emission unit or units and such a
19 change shall be consistent with the construction
20 permit requirements of the existing State permit
21 program, under subsection (a) of Section 39 of
22 this Act and applicable provisions of this
23 Section. Where a construction permit is required,
24 the Agency shall expeditiously grant such
25 construction permit and shall, if necessary,
26 modify the CAAPP permit based on the same

1 application.

2 B. The applicant or permittee may pay the fee
3 annually or semiannually for those fees greater
4 than \$5,000. However, any applicant paying a fee
5 equal to or greater than \$100,000 shall pay the
6 full amount on July 1, for the subsequent fiscal
7 year, or pay 50% of the fee on July 1 and the
8 remaining 50% by the next January 1. The Agency
9 may change any annual billing date upon reasonable
10 notice, but shall prorate the new bill so that the
11 permittee or applicant does not pay more than its
12 required fees for the fee period for which payment
13 is made.

14 b. (Blank).

15 c. (Blank).

16 d. There is hereby created in the State Treasury a
17 special fund to be known as the Clean Air Act Permit Fund
18 (formerly known as the CAA Permit Fund). All Funds
19 collected by the Agency pursuant to this subsection shall
20 be deposited into the Fund. The General Assembly shall
21 appropriate monies from this Fund to the Agency and to the
22 Board to carry out their obligations under this Section.
23 The General Assembly may also authorize monies to be
24 granted by the Agency from this Fund to other State and
25 local agencies which perform duties related to the CAAPP.
26 Interest generated on the monies deposited in this Fund

1 shall be returned to the Fund.

2 e. The Agency shall have the authority to adopt
3 procedural rules, in accordance with the Illinois
4 Administrative Procedure Act, as the Agency deems
5 necessary to implement this subsection.

6 f. For purposes of this subsection, the term
7 "regulated air pollutant" shall have the meaning given to
8 it under subsection 1 of this Section but shall exclude
9 the following:

10 i. carbon monoxide;

11 ii. any Class I or II substance which is a
12 regulated air pollutant solely because it is listed
13 pursuant to Section 602 of the Clean Air Act; and

14 iii. any pollutant that is a regulated air
15 pollutant solely because it is subject to a standard
16 or regulation under Section 112(r) of the Clean Air
17 Act based on the emissions allowed in the permit
18 effective in that calendar year, at the time the
19 applicable bill is generated.

20 19. Air Toxics Provisions.

21 a. In the event that the USEPA fails to promulgate in a
22 timely manner a standard pursuant to Section 112(d) of the
23 Clean Air Act, the Agency shall have the authority to
24 issue permits, pursuant to Section 112(j) of the Clean Air
25 Act and regulations promulgated thereunder, which contain

1 emission limitations which are equivalent to the emission
2 limitations that would apply to a source if an emission
3 standard had been promulgated in a timely manner by USEPA
4 pursuant to Section 112(d). Provided, however, that the
5 owner or operator of a source shall have the opportunity
6 to submit to the Agency a proposed emission limitation
7 which it determines to be equivalent to the emission
8 limitations that would apply to such source if an emission
9 standard had been promulgated in a timely manner by USEPA.
10 If the Agency refuses to include the emission limitation
11 proposed by the owner or operator in a CAAPP permit, the
12 owner or operator may petition the Board to establish
13 whether the emission limitation proposal submitted by the
14 owner or operator provides for emission limitations which
15 are equivalent to the emission limitations that would
16 apply to the source if the emission standard had been
17 promulgated by USEPA in a timely manner. The Board shall
18 determine whether the emission limitation proposed by the
19 owner or operator or an alternative emission limitation
20 proposed by the Agency provides for the level of control
21 required under Section 112 of the Clean Air Act, or shall
22 otherwise establish an appropriate emission limitation,
23 pursuant to Section 112 of the Clean Air Act.

24 b. Any Board proceeding brought under paragraph (a) or
25 (e) of this subsection shall be conducted according to the
26 Board's procedures for adjudicatory hearings and the Board

1 shall render its decision within 120 days of the filing of
2 the petition. Any such decision shall be subject to review
3 pursuant to Section 41 of this Act. Where USEPA
4 promulgates an applicable emission standard prior to the
5 issuance of the CAAPP permit, the Agency shall include in
6 the permit the promulgated standard, provided that the
7 source shall have the compliance period provided under
8 Section 112(i) of the Clean Air Act. Where USEPA
9 promulgates an applicable standard subsequent to the
10 issuance of the CAAPP permit, the Agency shall revise such
11 permit upon the next renewal to reflect the promulgated
12 standard, providing a reasonable time for the applicable
13 source to comply with the standard, but no longer than 8
14 years after the date on which the source is first required
15 to comply with the emissions limitation established under
16 this subsection.

17 c. The Agency shall have the authority to implement
18 and enforce complete or partial emission standards
19 promulgated by USEPA pursuant to Section 112(d), and
20 standards promulgated by USEPA pursuant to Sections
21 112(f), 112(h), 112(m), and 112(n), and may accept
22 delegation of authority from USEPA to implement and
23 enforce Section 112(l) and requirements for the prevention
24 and detection of accidental releases pursuant to Section
25 112(r) of the Clean Air Act.

26 d. The Agency shall have the authority to issue

1 permits pursuant to Section 112(i)(5) of the Clean Air
2 Act.

3 e. The Agency has the authority to implement Section
4 112(g) of the Clean Air Act consistent with the Clean Air
5 Act and federal regulations promulgated thereunder. If the
6 Agency refuses to include the emission limitations
7 proposed in an application submitted by an owner or
8 operator for a case-by-case maximum achievable control
9 technology (MACT) determination, the owner or operator may
10 petition the Board to determine whether the emission
11 limitation proposed by the owner or operator or an
12 alternative emission limitation proposed by the Agency
13 provides for a level of control required by Section 112 of
14 the Clean Air Act, or to otherwise establish an
15 appropriate emission limitation under Section 112 of the
16 Clean Air Act.

17 20. Small Business.

18 a. For purposes of this subsection:

19 "Program" is the Small Business Stationary Source
20 Technical and Environmental Compliance Assistance Program
21 created within this State pursuant to Section 507 of the
22 Clean Air Act and guidance promulgated thereunder, to
23 provide technical assistance and compliance information to
24 small business stationary sources;

25 "Small Business Assistance Program" is a component of

1 the Program responsible for providing sufficient
2 communications with small businesses through the
3 collection and dissemination of information to small
4 business stationary sources; and

5 "Small Business Stationary Source" means a stationary
6 source that:

7 1. is owned or operated by a person that employs
8 100 or fewer individuals;

9 2. is a small business concern as defined in the
10 "Small Business Act";

11 3. is not a major source as that term is defined in
12 subsection 2 of this Section;

13 4. does not emit 50 tons or more per year of any
14 regulated air pollutant, except greenhouse gases; and

15 5. emits less than 75 tons per year of all
16 regulated pollutants, except greenhouse gases.

17 b. The Agency shall adopt and submit to USEPA, after
18 reasonable notice and opportunity for public comment, as a
19 revision to the Illinois state implementation plan, plans
20 for establishing the Program.

21 c. The Agency shall have the authority to enter into
22 such contracts and agreements as the Agency deems
23 necessary to carry out the purposes of this subsection.

24 d. The Agency may establish such procedures as it may
25 deem necessary for the purposes of implementing and
26 executing its responsibilities under this subsection.

1 e. There shall be appointed a Small Business Ombudsman
2 (hereinafter in this subsection referred to as
3 "Ombudsman") to monitor the Small Business Assistance
4 Program. The Ombudsman shall be a nonpartisan designated
5 official, with the ability to independently assess whether
6 the goals of the Program are being met.

7 f. The State Ombudsman Office shall be located in an
8 existing Ombudsman office within the State or in any State
9 Department.

10 g. There is hereby created a State Compliance Advisory
11 Panel (hereinafter in this subsection referred to as
12 "Panel") for determining the overall effectiveness of the
13 Small Business Assistance Program within this State.

14 h. The selection of Panel members shall be by the
15 following method:

16 1. The Governor shall select two members who are
17 not owners or representatives of owners of small
18 business stationary sources to represent the general
19 public;

20 2. The Director of the Agency shall select one
21 member to represent the Agency; and

22 3. The State Legislature shall select four members
23 who are owners or representatives of owners of small
24 business stationary sources. Both the majority and
25 minority leadership in both Houses of the Legislature
26 shall appoint one member of the panel.

1 i. Panel members should serve without compensation but
2 will receive full reimbursement for expenses including
3 travel and per diem as authorized within this State.

4 j. The Panel shall select its own Chair by a majority
5 vote. The Chair may meet and consult with the Ombudsman
6 and the head of the Small Business Assistance Program in
7 planning the activities for the Panel.

8 21. Temporary Sources.

9 a. The Agency may issue a single permit authorizing
10 emissions from similar operations by the same source owner
11 or operator at multiple temporary locations, except for
12 sources which are affected sources for acid deposition
13 under Title IV of the Clean Air Act.

14 b. The applicant must demonstrate that the operation
15 is temporary and will involve at least one change of
16 location during the term of the permit.

17 c. Any such permit shall meet all applicable
18 requirements of this Section and applicable regulations,
19 and include conditions assuring compliance with all
20 applicable requirements at all authorized locations and
21 requirements that the owner or operator notify the Agency
22 at least 10 days in advance of each change in location.

23 22. Solid Waste Incineration Units.

24 a. A CAAPP permit for a solid waste incineration unit

1 combusting municipal waste subject to standards
2 promulgated under Section 129(e) of the Clean Air Act
3 shall be issued for a period of 12 years and shall be
4 reviewed every 5 years, unless the Agency requires more
5 frequent review through Agency procedures.

6 b. During the review in paragraph (a) of this
7 subsection, the Agency shall fully review the previously
8 submitted CAAPP permit application and corresponding
9 reports subsequently submitted to determine whether the
10 source is in compliance with all applicable requirements.

11 c. If the Agency determines that the source is not in
12 compliance with all applicable requirements it shall
13 revise the CAAPP permit as appropriate.

14 d. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary, to implement this subsection.

18 (Source: P.A. 99-380, eff. 8-17-15; 99-933, eff. 1-27-17;
19 100-103, eff. 8-11-17; revised 10-23-24.)

20 (415 ILCS 5/57.4)

21 Sec. 57.4. State agencies ~~Agencies~~. The Office of the
22 State Fire Marshal and the Illinois Environmental Protection
23 Agency shall administer the Leaking Underground Storage Tank
24 Program in accordance with the terms of this Title.

25 (Source: P.A. 88-496; revised 7-29-24.)

1 (415 ILCS 5/57.5)

2 Sec. 57.5. Underground Storage Tanks; removal; repair;
3 abandonment.

4 (a) Notwithstanding the eligibility or the level of
5 deductibility of an owner or operator under the Underground
6 Storage Tank Fund, any owner or operator of an Underground
7 Storage Tank may seek to remove or abandon such tank under the
8 provisions of this Title. In order to be reimbursed under
9 Section 57.8, the owner or operator must comply with the
10 provisions of this Title. In no event will an owner or operator
11 be reimbursed for any costs which exceed the minimum
12 requirements necessary to comply with this Title.

13 (b) Removal or abandonment of an Underground Storage Tank
14 must be carried out in accordance with regulations adopted by
15 the Office of the State Fire Marshal.

16 (c) The Office of the State Fire Marshal or a designated
17 agent shall have an inspector on site at the time of removal,
18 abandonment, or such other times the Office of State Fire
19 Marshal deems appropriate. At such time, the inspector shall,
20 upon preliminary excavation of the tank site, render an
21 opinion as to whether a release of petroleum has occurred and,
22 if so, the owner or operator shall report the known or
23 suspected release to the Illinois Emergency Management Agency.
24 The owner or operator shall determine whether or not a release
25 has occurred in conformance with the regulations adopted by

1 the Board and the Office of the State Fire Marshal. Except that
2 if the opinion of the Office of the State Fire Marshal
3 inspector is that a release of petroleum has occurred and the
4 owner or operator has reported the release to the Illinois
5 Emergency Management Agency within 24 hours of removal of the
6 tank, no such determination is required under this subsection.
7 In the event the owner or operator confirms the presence of a
8 release of petroleum, the owner or operator shall comply with
9 Section 57.6. The inspector shall provide the owner or
10 operator, or a designated agent, with an "Eligibility and
11 Deductibility Determination" form. The Office of the State
12 Fire Marshal shall provide on-site assistance to the owner or
13 operator or a designated agent with regard to the eligibility
14 and deductibility procedures as provided in Section 57.9. If
15 the Office of the State Fire Marshal is not on site, the Office
16 of the State Fire Marshal shall provide the owner or operator
17 with an "Eligibility and Deductibility Determination" form
18 within 15 days after receiving notice that the confirmed
19 release was reported by the owner or operator.

20 (d) In the event that a release of petroleum is confirmed
21 under subsection (c) of this Section, the owner or operator
22 may elect to backfill the preliminary excavation and proceed
23 under Section 57.6.

24 (e) In the event that an Underground Storage Tank is found
25 to be ineligible for payment from the Underground Storage Tank
26 Fund, the owner or operator shall proceed under Sections 57.6

1 and 57.7.

2 (f) In the event that no release of petroleum is
3 confirmed, the owner or operator shall proceed to complete the
4 removal of the underground storage tank, and when appropriate,
5 dispose of the tank and backfill the excavation or, in the
6 alternate, abandon the underground storage tank in place.
7 Either option shall be in accordance with regulations adopted
8 by the Office of the State Fire Marshal. The owner or operator
9 shall certify to the Office of the State Fire Marshal that the
10 tank removal or abandonment was conducted in accordance with
11 all applicable rules and regulations, and the Office of the
12 State Fire Marshal shall then issue a certificate of removal
13 or abandonment to the owner or operator. If the Office of the
14 State Fire Marshal fails to issue a certificate of removal or
15 abandonment within 30 days of receipt of the certification,
16 the certification shall be considered rejected by operation of
17 law and a final action appealable to the Board. Nothing in this
18 Title shall prohibit the Office of the State Fire Marshal from
19 making an independent inspection of the site and challenging
20 the veracity of the owner or operator certification.

21 (g) The owner or operator of an underground storage tank
22 taken out of operation before January 2, 1974, or an
23 underground storage tank used exclusively to store heating oil
24 for consumptive use on the premises where stored and which
25 serves other than a farm or residential unit shall not be
26 required to remove or abandon in place such underground

1 storage tank except in the case in which the Office of the
2 State Fire Marshal has determined that a release from the
3 underground storage tank poses a current or potential threat
4 to human health and the environment. In that case, and upon
5 receipt of an order from the Office of the State Fire Marshal,
6 the owner or operator of such underground storage tank shall
7 conduct removal and, if necessary, site investigation and
8 corrective action in accordance with this Title and
9 regulations promulgated by the Office of the State Fire
10 Marshal and the Board.

11 (h) In the event that a release of petroleum occurred
12 between September 13, 1993, and August 1, 1994, for which the
13 Office of the State Fire Marshal issued a certificate of
14 removal or abandonment based on its determination of "no
15 release" or "minor release," and the Office of the State Fire
16 Marshal subsequently has rescinded that determination and
17 required a report of a confirmed release to the Illinois
18 Emergency Management Agency, the owner or operator may be
19 eligible for reimbursement for the costs of site investigation
20 and corrective action incurred on or after the date of the
21 release but prior to the notification of the Illinois
22 Emergency Management Agency. The date of the release shall be
23 the date of the initial inspection by the Office of the State
24 Fire Marshal as recorded in its inspection log. Eligibility
25 and deductibility shall be determined in accordance with this
26 Title, the owner or operator must comply with the provisions

1 of this Act and its rules, and in no case shall the owner or
2 operator be reimbursed for costs exceeding the minimum
3 requirements of this Act and its rules.

4 (Source: P.A. 92-554, eff. 6-24-02; revised 7-30-24.)

5 (415 ILCS 5/57.8)

6 Sec. 57.8. Underground Storage Tank Fund; payment; options
7 for State payment; deferred correction election to commence
8 corrective action upon availability of funds. If an owner or
9 operator is eligible to access the Underground Storage Tank
10 Fund pursuant to an Office of the State Fire Marshal
11 eligibility/deductible final determination letter issued in
12 accordance with Section 57.9, the owner or operator may submit
13 a complete application for final or partial payment to the
14 Agency for activities taken in response to a confirmed
15 release. An owner or operator may submit a request for partial
16 or final payment regarding a site no more frequently than once
17 every 90 days.

18 (a) Payment after completion of corrective action
19 measures. The owner or operator may submit an application for
20 payment for activities performed at a site after completion of
21 the requirements of Sections 57.6 and 57.7, or after
22 completion of any other required activities at the underground
23 storage tank site.

24 (1) In the case of any approved plan and budget for
25 which payment is being sought, the Agency shall make a

1 payment determination within 120 days of receipt of the
2 application. Such determination shall be considered a
3 final decision. The Agency's review shall be limited to
4 generally accepted auditing and accounting practices. In
5 no case shall the Agency conduct additional review of any
6 plan which was completed within the budget, beyond
7 auditing for adherence to the corrective action measures
8 in the proposal. If the Agency fails to approve the
9 payment application within 120 days, such application
10 shall be deemed approved by operation of law and the
11 Agency shall proceed to reimburse the owner or operator
12 the amount requested in the payment application. However,
13 in no event shall the Agency reimburse the owner or
14 operator an amount greater than the amount approved in the
15 plan.

16 (2) If sufficient funds are available in the
17 Underground Storage Tank Fund, the Agency shall, within 60
18 days, forward to the Office of the State Comptroller a
19 voucher in the amount approved under the payment
20 application.

21 (3) In the case of insufficient funds, the Agency
22 shall form a priority list for payment and shall notify
23 persons in such priority list monthly of the availability
24 of funds and when payment shall be made. Payment shall be
25 made to the owner or operator at such time as sufficient
26 funds become available for the costs associated with site

1 investigation and corrective action and costs expended for
2 activities performed where no proposal is required, if
3 applicable. Such priority list shall be available to any
4 owner or operator upon request. Priority for payment shall
5 be determined by the date the Agency receives a complete
6 request for partial or final payment. Upon receipt of
7 notification from the Agency that the requirements of this
8 Title have been met, the Comptroller shall make payment to
9 the owner or operator of the amount approved by the
10 Agency, if sufficient money exists in the Fund. If there
11 is insufficient money in the Fund, then payment shall not
12 be made. If the owner or operator appeals a final Agency
13 payment determination and it is determined that the owner
14 or operator is eligible for payment or additional payment,
15 the priority date for the payment or additional payment
16 shall be the same as the priority date assigned to the
17 original request for partial or final payment.

18 (4) Any deductible, as determined pursuant to the
19 Office of the State Fire Marshal's eligibility and
20 deductibility final determination in accordance with
21 Section 57.9, shall be subtracted from any payment invoice
22 paid to an eligible owner or operator. Only one deductible
23 shall apply per underground storage tank site.

24 (5) In the event that costs are or will be incurred in
25 addition to those approved by the Agency, or after
26 payment, the owner or operator may submit successive plans

1 containing amended budgets. The requirements of Section
2 57.7 shall apply to any amended plans.

3 (6) For purposes of this Section, a complete
4 application shall consist of:

5 (A) A certification from a Licensed Professional
6 Engineer or Licensed Professional Geologist as
7 required under this Title and acknowledged by the
8 owner or operator.

9 (B) A statement of the amounts approved in the
10 budget and the amounts actually sought for payment
11 along with a certified statement by the owner or
12 operator that the amounts so sought were expended in
13 conformance with the approved budget.

14 (C) A copy of the Office of the State Fire
15 Marshal's eligibility and deductibility determination.

16 (D) Proof that approval of the payment requested
17 will not result in the limitations set forth in
18 subsection (g) of this Section being exceeded.

19 (E) A federal taxpayer identification number and
20 legal status disclosure certification on a form
21 prescribed and provided by the Agency.

22 (F) If the Agency determined under subsection
23 (c)(3) of Section 57.7 of this Act that corrective
24 action must include a project labor agreement, a
25 certification from the owner or operator that the
26 corrective action was (i) performed under a project

1 labor agreement that meets the requirements of Section
2 25 of the Project Labor Agreements Act and (ii)
3 implemented in a manner consistent with the terms and
4 conditions of the Project Labor Agreements Act and in
5 full compliance with all statutes, regulations, and
6 Executive Orders as required under that Act and the
7 Prevailing Wage Act.

8 (b) Commencement of site investigation or corrective
9 action upon availability of funds. The Board shall adopt
10 regulations setting forth procedures based on risk to human
11 health or the environment under which the owner or operator
12 who has received approval for any budget plan submitted
13 pursuant to Section 57.7, and who is eligible for payment from
14 the Underground Storage Tank Fund pursuant to an Office of the
15 State Fire Marshal eligibility and deductibility
16 determination, may elect to defer site investigation or
17 corrective action activities until funds are available in an
18 amount equal to the amount approved in the budget. The
19 regulations shall establish criteria based on risk to human
20 health or the environment to be used for determining on a
21 site-by-site basis whether deferral is appropriate. The
22 regulations also shall establish the minimum investigatory
23 requirements for determining whether the risk based criteria
24 are present at a site considering deferral and procedures for
25 the notification of owners or operators of insufficient funds,
26 Agency review of request for deferral, notification of Agency

1 final decisions, returning deferred sites to active status,
2 and earmarking of funds for payment.

3 (c) When the owner or operator requests indemnification
4 for payment of costs incurred as a result of a release of
5 petroleum from an underground storage tank, if the owner or
6 operator has satisfied the requirements of subsection (a) of
7 this Section, the Agency shall forward a copy of the request to
8 the Attorney General. The Attorney General shall review and
9 approve the request for indemnification if:

10 (1) there is a legally enforceable judgment entered
11 against the owner or operator and such judgment was
12 entered due to harm caused by a release of petroleum from
13 an underground storage tank and such judgment was not
14 entered as a result of fraud; or

15 (2) a settlement with a third party due to a release of
16 petroleum from an underground storage tank is reasonable.

17 (d) (1) Notwithstanding any other provision of this Title,
18 the Agency shall not approve payment to an owner or operator
19 from the Fund for costs of corrective action or
20 indemnification incurred during a calendar year in excess of
21 the following aggregate amounts based on the number of
22 petroleum underground storage tanks owned or operated by such
23 owner or operator in Illinois.

24	Amount	Number of Tanks
25	\$2,000,000	fewer than 101
26	\$3,000,000	101 or more

1 (2) ~~(1)~~ Costs incurred in excess of the aggregate amounts
2 set forth in paragraph (1) of this subsection shall not be
3 eligible for payment in subsequent years.

4 (3) ~~(2)~~ For purposes of this subsection, requests
5 submitted by any of the agencies, departments, boards,
6 committees, or commissions of the State of Illinois shall be
7 acted upon as claims from a single owner or operator.

8 (4) ~~(3)~~ For purposes of this subsection, owner or operator
9 includes (i) any subsidiary, parent, or joint stock company of
10 the owner or operator and (ii) any company owned by any parent,
11 subsidiary, or joint stock company of the owner or operator.

12 (e) Costs of corrective action or indemnification incurred
13 by an owner or operator which have been paid to an owner or
14 operator under a policy of insurance, another written
15 agreement, or a court order are not eligible for payment under
16 this Section. An owner or operator who receives payment under
17 a policy of insurance, another written agreement, or a court
18 order shall reimburse the State to the extent such payment
19 covers costs for which payment was received from the Fund. Any
20 monies received by the State under this subsection (e) shall
21 be deposited into the Fund.

22 (f) ~~(Blank-)~~ .

23 (g) The Agency shall not approve any payment from the Fund
24 to pay an owner or operator:

25 (1) for costs of corrective action incurred by such
26 owner or operator in an amount in excess of \$1,500,000 per

1 occurrence; and

2 (2) for costs of indemnification of such owner or
3 operator in an amount in excess of \$1,500,000 per
4 occurrence.

5 (h) Payment of any amount from the Fund for corrective
6 action or indemnification shall be subject to the State
7 acquiring by subrogation the rights of any owner, operator, or
8 other person to recover the costs of corrective action or
9 indemnification for which the Fund has compensated such owner,
10 operator, or person from the person responsible or liable for
11 the release.

12 (i) If the Agency refuses to pay or authorizes only a
13 partial payment, the affected owner or operator may petition
14 the Board for a hearing in the manner provided for the review
15 of permit decisions in Section 40 of this Act.

16 (j) Costs of corrective action or indemnification incurred
17 by an owner or operator prior to July 28, 1989, shall not be
18 eligible for payment or reimbursement under this Section.

19 (k) The Agency shall not pay costs of corrective action or
20 indemnification incurred before providing notification of the
21 release of petroleum in accordance with the provisions of this
22 Title.

23 (l) Corrective action does not include legal defense
24 costs. Legal defense costs include legal costs for seeking
25 payment under this Title unless the owner or operator prevails
26 before the Board in which case the Board may authorize payment

1 of legal fees.

2 (m) The Agency may apportion payment of costs for plans
3 submitted under Section 57.7 if:

4 (1) the owner or operator was deemed eligible to
5 access the Fund for payment of corrective action costs for
6 some, but not all, of the underground storage tanks at the
7 site; and

8 (2) the owner or operator failed to justify all costs
9 attributable to each underground storage tank at the site.

10 (n) The Agency shall not pay costs associated with a
11 corrective action plan incurred after the Agency provides
12 notification to the owner or operator pursuant to item (7) of
13 subsection (b) of Section 57.7 that a revised corrective
14 action plan is required. Costs associated with any
15 subsequently approved corrective action plan shall be eligible
16 for reimbursement if they meet the requirements of this Title.

17 (Source: P.A. 98-109, eff. 7-25-13; revised 7-30-24.)

18 (415 ILCS 5/57.9)

19 Sec. 57.9. Underground Storage Tank Fund; eligibility and
20 deductibility.

21 (a) The Underground Storage Tank Fund shall be accessible
22 by owners and operators who have a confirmed release from an
23 underground storage tank or related tank system of a substance
24 listed in this Section. The owner or operator is eligible to
25 access the Underground Storage Tank Fund if the eligibility

1 requirements of this Title are satisfied and:

2 (1) Neither the owner nor the operator is the United
3 States Government.

4 (2) The tank does not contain fuel which is exempt
5 from the Motor Fuel Tax Law.

6 (3) The costs were incurred as a result of a confirmed
7 release of any of the following substances:

8 (A) "Fuel", as defined in Section 1.19 of the
9 Motor Fuel Tax Law.

10 (B) Aviation fuel.

11 (C) Heating oil.

12 (D) Kerosene.

13 (E) Used oil which has been refined from crude oil
14 used in a motor vehicle, as defined in Section 1.3 of
15 the Motor Fuel Tax Law.

16 (4) The owner or operator registered the tank and paid
17 all fees in accordance with the statutory and regulatory
18 requirements of the Gasoline Storage Act.

19 (5) The owner or operator notified the Illinois
20 Emergency Management Agency of a confirmed release, the
21 costs were incurred after the notification and the costs
22 were a result of a release of a substance listed in this
23 Section. Costs of corrective action or indemnification
24 incurred before providing that notification shall not be
25 eligible for payment.

26 (6) The costs have not already been paid to the owner

1 or operator under a private insurance policy, other
2 written agreement, or court order.

3 (7) The costs were associated with "corrective action"
4 of this Act.

5 If the underground storage tank which experienced a
6 release of a substance listed in this Section was
7 installed after July 28, 1989, the owner or operator is
8 eligible to access the Underground Storage Tank Fund if it
9 is demonstrated to the Office of the State Fire Marshal
10 the tank was installed and operated in accordance with
11 Office of the State Fire Marshal regulatory requirements.
12 Office of the State Fire Marshal certification is prima
13 facie evidence the tank was installed pursuant to the
14 Office of the State Fire Marshal regulatory requirements.

15 (b) For releases reported prior to June 8, 2010 (the
16 effective date of Public Act 96-908) ~~this amendatory Act of~~
17 ~~the 96th General Assembly~~, an owner or operator may access the
18 Underground Storage Tank Fund for costs associated with an
19 Agency approved plan and the Agency shall approve the payment
20 of costs associated with corrective action after the
21 application of a \$10,000 deductible, except in the following
22 situations:

23 (1) A deductible of \$100,000 shall apply when none of
24 the underground storage tanks were registered prior to
25 July 28, 1989, except in the case of underground storage
26 tanks used exclusively to store heating oil for

1 consumptive use on the premises where stored and which
2 serve other than farms or residential units, a deductible
3 of \$100,000 shall apply when none of these tanks were
4 registered prior to July 1, 1992.

5 (2) A deductible of \$50,000 shall apply if any of the
6 underground storage tanks were registered prior to July
7 28, 1989, and the State received notice of the confirmed
8 release prior to July 28, 1989.

9 (3) A deductible of \$15,000 shall apply when one or
10 more, but not all, of the underground storage tanks were
11 registered prior to July 28, 1989, and the State received
12 notice of the confirmed release on or after July 28, 1989.

13 For releases reported on or after June 8, 2010 (the
14 effective date of Public Act 96-908) ~~this amendatory Act of~~
15 ~~the 96th General Assembly~~, an owner or operator may access the
16 Underground Storage Tank Fund for costs associated with an
17 Agency approved plan, and the Agency shall approve the payment
18 of costs associated with corrective action after the
19 application of a \$5,000 deductible.

20 A deductible shall apply annually for each site at which
21 costs were incurred under a claim submitted pursuant to this
22 Title, except that if corrective action in response to an
23 occurrence takes place over a period of more than one year, in
24 subsequent years, no deductible shall apply for costs incurred
25 in response to such occurrence.

26 (c) Eligibility and deductibility determinations shall be

1 made by the Office of the State Fire Marshal.

2 (1) When an owner or operator reports a confirmed
3 release of a regulated substance, the Office of the State
4 Fire Marshal shall provide the owner or operator with an
5 "Eligibility and Deductibility Determination" form. The
6 form shall either be provided on-site or within 15 days of
7 the Office of the State Fire Marshal receipt of notice
8 indicating a confirmed release. The form shall request
9 sufficient information to enable the Office of the State
10 Fire Marshal to make a final determination as to owner or
11 operator eligibility to access the Underground Storage
12 Tank Fund pursuant to this Title and the appropriate
13 deductible. The form shall be promulgated as a rule or
14 regulation pursuant to the Illinois Administrative
15 Procedure Act by the Office of the State Fire Marshal.
16 Until such form is promulgated, the Office of the State
17 Fire Marshal shall use a form which generally conforms
18 with this Act.

19 (2) Within 60 days of receipt of the "Eligibility and
20 Deductibility Determination" form, the Office of the State
21 Fire Marshal shall issue one letter enunciating the final
22 eligibility and deductibility determination, and such
23 determination or failure to act within the time prescribed
24 shall be a final decision appealable to the Illinois
25 Pollution Control Board.

26 (Source: P.A. 96-908, eff. 6-8-10; revised 7-30-24.)

1 (415 ILCS 5/59.1)

2 Sec. 59.1. Carbon capture permit requirements. For air
3 construction permit applications for carbon dioxide capture
4 projects at existing sources submitted on or after July 18,
5 2024 (the effective date of Public Act 103-651) ~~this~~
6 ~~amendatory Act of the 103rd General Assembly~~, no permit may be
7 issued unless all of the following requirements are met:

8 (1) The permit applicant demonstrates that there will
9 be no net increase in the individual allowable potential
10 annual criteria pollutant emissions at the source. If the
11 Agency determines that it is technically infeasible for an
12 applicant to demonstrate that there will be no net
13 increase in the individual allowable potential annual
14 criteria pollutant emissions at the source, the Agency
15 shall allow an alternative demonstration.

16 (2) The Agency has complied with the public
17 participation requirements under 35 Ill. Adm. Code 252.

18 (3) The permit applicant submits to the Agency in its
19 permit application, a Greenhouse Gas Inventory Analysis,
20 as set forth in guidance from the United States
21 Environmental Protection Agency, that includes all
22 emissions at the stack or emissions source from which
23 carbon dioxide is captured and a demonstration that the
24 total greenhouse gas emissions associated with capture,
25 including, but not limited to, (i) the emissions at the

1 stack or emissions source from which the carbon dioxide is
2 captured, (ii) the additional emissions associated with
3 additional electricity generated, whether on-site or
4 off-site, used to power any capture equipment, and (iii)
5 any increased emissions necessary for the operation of the
6 capture facility as compared to before the installation
7 and operation of the capture equipment at the facility, do
8 not exceed the total amount of greenhouse gas emissions
9 captured. This comparison shall be made on an annual
10 basis, projected across the proposed life span of the
11 capture project.

12 (4) The permit applicant provides a water impact
13 assessment report. The report must have been submitted to
14 the Department of Natural Resources and to the Soil and
15 Water Conservation District in the county in which the
16 project will be constructed. The report shall identify the
17 following:

18 (A) each water source to be used by the project;

19 (B) the pumping method to be used by the project;

20 (C) the maximum and expected average daily pumping
21 rates for the pumps used by the project;

22 (D) the impacts to each water source used by the
23 project, such as aquifer drawdown or river reductions;
24 and

25 (E) a detailed assessment of the impact on water
26 users near the area of impact.

1 The water impact assessment shall consider the water
2 impacts (i) immediately following the project's initial
3 operations, (ii) at the end of the project's expected
4 operational life, and (iii) during a drought or other
5 similar event.

6 The permit applicant shall submit a certification to the
7 Agency that the applicant has submitted its initial water use
8 impact study and the applicant's ongoing water usage to the
9 Department of Natural Resources. This requirement may be
10 satisfied by submitting to the Agency copies of documents
11 provided to the United States Environmental Protection Agency
12 in accordance with 40 CFR 146.82 if the applicant satisfies
13 the requirements of this Section.

14 (Source: P.A. 103-651, eff. 7-18-24; revised 10-24-24.)

15 (415 ILCS 5/59.9)

16 Sec. 59.9. Closure. The owner or operator of a carbon
17 sequestration activity permitted in accordance with this Act
18 shall monitor the site during the post-injection site care
19 period, which shall be no less than 30 years after the last
20 date of injection, as well as following certification of
21 closure by United States Environmental Protection Agency Act
22 to show the position of the carbon dioxide and pressure front
23 to ensure it does not pose an endangerment to groundwater, as
24 specified in 35 Ill. Adm. Code 620, or to human health or the
25 environment, unless and until the Agency certifies that a

1 carbon sequestration facility is closed. Air and soil gas
2 monitoring required by a carbon sequestration activity permit
3 issued by the Agency must continue until the Agency certifies
4 the carbon sequestration facility as closed. The Agency shall
5 certify a carbon sequestration facility as closed if:

6 (1) the owner or operator submits to the Agency a copy
7 of a closure certification issued for the carbon
8 sequestration facility in accordance with 40 CFR 146.93;
9 and

10 (2) the owner or operator demonstrates to the Agency
11 that no additional air or soil gas monitoring is needed to
12 ensure the carbon sequestration facility does not pose an
13 endangerment to groundwater, as specified in 35 Ill. Adm.
14 Code 620, or to human health or the environment.

15 This demonstration must include location-specific
16 monitoring data. The certification of closure does not relieve
17 an operator of any liabilities from the carbon sequestration
18 activity or carbon sequestration facility.

19 (Source: P.A. 103-651, eff. 7-18-24; revised 10-23-24.)

20 (415 ILCS 5/59.10)

21 Sec. 59.10. Financial assurance.

22 (a) The owner or operator of a sequestration activity
23 permitted in accordance with this Act shall maintain financial
24 assurance in an amount equal to or greater than the cost
25 estimate calculated in accordance with paragraph (11) of

1 Section 59.6.

2 (b) The owner or operator of the sequestration activity
3 must use one or a combination of the following mechanisms as
4 financial assurance:

- 5 (1) a fully funded trust fund;
6 (2) a surety bond guaranteeing payment;
7 (3) a surety bond guaranteeing performance; or
8 (4) an irrevocable letter of credit.

9 (c) The financial assurance mechanism must identify the
10 Agency as the sole beneficiary.

11 (d) The financial assurance mechanism shall be on forms
12 adopted by the Agency. The Agency must adopt these forms
13 within 90 days ~~of the date~~ of July 18, 2024 (the effective date
14 of Public Act 103-651) ~~this amendatory Act of the 103rd~~
15 ~~General Assembly.~~

16 (e) The Agency shall release a trustee, surety, or other
17 financial institution holding a financial assurance mechanism
18 when:

19 (1) the owner or operator of a carbon sequestration
20 activity substitutes alternative financial assurance such
21 that the total financial assurance for the site is equal
22 to or greater than the current cost estimate, without
23 counting the amounts to be released; or

24 (2) the Agency determines that the owner or operator
25 is no longer required to maintain a permit.

26 (f) The Agency may enter into contracts and agreements it

1 deems necessary to carry out the purposes of this Section,
2 including, but not limited to, interagency agreements with the
3 Illinois State Geological Survey, the Department of Natural
4 Resources, or other agencies of the State. Neither the State
5 nor any State employee shall be liable for any damages or
6 injuries arising out of or resulting from any action taken
7 under paragraph (11) of Section 59.6.

8 (g) The Agency may order that a permit holder modify the
9 financial assurance or order that proceeds from financial
10 assurance be applied to the remedial action at or closure of an
11 injection site. The Agency may pursue legal action in any
12 court of competent jurisdiction to enforce its rights under
13 financial instruments used to provide the financial assurance
14 required under Section 59.10.

15 (h) An owner or operator of a carbon sequestration
16 activity permitted in accordance with this Act that has a
17 closure plan approved by the United States Environmental
18 Protection Agency in accordance with 40 CFR 146.93 may satisfy
19 the financial assurance requirements for any portion of the
20 cost estimates for closure costs required by the Agency by
21 submitting to the Agency true copies of the financial
22 assurance mechanism required by 40 CFR 146.85, if those
23 mechanisms are compliant with Section 59.10.

24 (Source: P.A. 103-651, eff. 7-18-24; revised 10-24-24.)

25 Section 960. The Pesticide Application on Rights-of-Way

Notification Act is amended by changing Section 1 as follows:

(415 ILCS 61/1)

Sec. 1. Short title. This Act may be cited as the ~~the~~
Pesticide Application on Rights-of-Way Notification Act.

(Source: P.A. 103-976, eff. 1-1-25; revised 12-4-24.)

Section 965. The Lawn Care Products Application and Notice
Act is amended by changing Section 5a as follows:

(415 ILCS 65/5a)

Sec. 5a. Fertilizer; application restrictions.

(a) No applicator for hire shall:

(1) Apply phosphorus-containing fertilizer to a lawn,
except as demonstrated to be necessary by a soil test that
establishes that the soil is lacking in phosphorus
~~phosphorous~~ when compared against the standard established
by the University of Illinois. The soil test required
under this paragraph (1) shall be conducted no more than
36 months before the intended application of the
fertilizer and by a soil testing laboratory that has been
identified by the University of Illinois as an acceptable
laboratory for soil testing. However, a soil test shall
not be required under this paragraph (1) if the fertilizer
to be applied is a 0% phosphate fertilizer or the
fertilizer is being applied to establish a lawn in the

1 first 2 growing seasons.

2 (2) Apply fertilizer to an impervious surface, except
3 where the application is inadvertent and fertilizer is
4 swept or blown back into the target area or returned to
5 either its original or another appropriate container for
6 reuse.

7 (3) Apply fertilizer using a spray, drop, or rotary
8 spreader with a deflector within a 3 foot buffer of any
9 water body, except that when this equipment is not used,
10 fertilizer may not be applied within a 15 foot buffer of
11 any water body.

12 (4) Apply fertilizer at any time when the lawn is
13 frozen or saturated. For the purposes of this paragraph
14 (4), a lawn is frozen when its root system is frozen
15 (typically 3 or 4 inches down), and a lawn is saturated
16 when it bears ample evidence of being or having been
17 inundated by standing water.

18 (b) This Section does not apply to the application of
19 fertilizer on property used in the operation of a commercial
20 farm, lands classified as agricultural lands, or golf courses.

21 (c) This Section does not apply to the application of lawn
22 repair products.

23 (d) Paragraph (1) of subsection (a) of this Section does
24 not apply to the application of animal or vegetable manure
25 that is ground, pelletized, mechanically dried, packaged, or
26 supplemented with plant nutrients or other substances other

1 than phosphorus.

2 (Source: P.A. 96-1005, eff. 7-6-10; revised 7-30-24.)

3 Section 970. The Illinois Low-Level Radioactive Waste
4 Management Act is amended by changing Section 3 as follows:

5 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

6 Sec. 3. Definitions. As used in this Act:

7 "Agency" or "IEMA-OHS" means the Illinois Emergency
8 Management Agency and Office of Homeland Security, or its
9 successor agency.

10 "Broker" means any person who takes possession of
11 low-level waste for purposes of consolidation and shipment.

12 "Compact" means the Central Midwest Interstate Low-Level
13 Radioactive Waste Compact.

14 "Decommissioning" means the measures taken at the end of a
15 facility's operating life to assure the continued protection
16 of the public from any residual radioactivity or other
17 potential hazards present at a facility.

18 "Director" means the Director of the Agency.

19 "Disposal" means the isolation of waste from the biosphere
20 in a permanent facility designed for that purpose.

21 "Facility" means a parcel of land or site, together with
22 structures, equipment and improvements on or appurtenant to
23 the land or site, which is used or is being developed for the
24 treatment, storage or disposal of low-level radioactive waste.

1 "Facility" does not include lands, sites, structures, or
2 equipment used by a generator in the generation of low-level
3 radioactive wastes.

4 "Generator" means any person who produces or possesses
5 low-level radioactive waste in the course of or incident to
6 manufacturing, power generation, processing, medical diagnosis
7 and treatment, research, education, or other activity.

8 "Hazardous waste" means a waste, or combination of wastes,
9 which because of its quantity, concentration, or physical,
10 chemical, or infectious characteristics may cause or
11 significantly contribute to an increase in mortality or an
12 increase in serious, irreversible, or incapacitating
13 reversible, illness; or pose a substantial present or
14 potential hazard to human health or the environment when
15 improperly treated, stored, transported, or disposed of, or
16 otherwise managed, and which has been identified, by
17 characteristics or listing, as hazardous under Section 3001 of
18 the Resource Conservation and Recovery Act of 1976, P.L.
19 94-580 or under regulations of the Pollution Control Board.

20 "High-level radioactive waste" means:

21 (1) the highly radioactive material resulting from the
22 reprocessing of spent nuclear fuel including liquid waste
23 produced directly in reprocessing and any solid material
24 derived from the liquid waste that contains fission
25 products in sufficient concentrations; and

26 (2) the highly radioactive material that the Nuclear

1 Regulatory Commission has determined, on July 21, 1988
2 (the effective date of Public Act 85-1133) ~~this Amendatory~~
3 ~~Act of 1988~~, to be high-level radioactive waste requiring
4 permanent isolation.

5 "Low-level radioactive waste" or "waste" means radioactive
6 waste not classified as (1) high-level radioactive waste, (2)
7 transuranic waste, (3) spent nuclear fuel, or (4) byproduct
8 material as defined in Sections 11e(2), 11e(3), and 11e(4) of
9 the Atomic Energy Act of 1954 (42 U.S.C. 2014). This
10 definition shall apply notwithstanding any declaration by the
11 federal government, a state, or any regulatory agency that any
12 radioactive material is exempt from any regulatory control.

13 "Mixed waste" means waste that is both "hazardous waste"
14 and "low-level radioactive waste" as defined in this Act.

15 "Nuclear facilities" means nuclear power plants,
16 facilities housing nuclear test and research reactors,
17 facilities for the chemical conversion of uranium, and
18 facilities for the storage of spent nuclear fuel or high-level
19 radioactive waste.

20 "Nuclear power plant" or "nuclear steam-generating
21 facility" means a thermal power plant in which the energy
22 (heat) released by the fissioning of nuclear fuel is used to
23 boil water to produce steam.

24 "Nuclear power reactor" means an apparatus, other than an
25 atomic weapon, designed or used to sustain nuclear fission in
26 a self-supporting chain reaction.

1 "Person" means an individual, corporation, business
2 enterprise, or other legal entity either public or private and
3 any legal successor, representative, agent, or agency of that
4 individual, corporation, business enterprise, or legal entity.

5 "Post-closure care" means the continued monitoring of the
6 regional disposal facility after closure for the purposes of
7 detecting a need for maintenance, ensuring environmental
8 safety, and determining compliance with applicable licensure
9 and regulatory requirements, and includes undertaking any
10 remedial actions necessary to protect public health and the
11 environment from radioactive releases from the facility.

12 "Regional disposal facility" or "disposal facility" means
13 the facility established by the State of Illinois under this
14 Act for disposal away from the point of generation of waste
15 generated in the region of the Compact.

16 "Release" means any spilling, leaking, pumping, pouring,
17 emitting, emptying, discharging, injecting, escaping,
18 leaching, dumping, or disposing into the environment of
19 low-level radioactive waste.

20 "Remedial action" means those actions taken in the event
21 of a release or threatened release of low-level radioactive
22 waste into the environment, to prevent or minimize the release
23 of the waste so that it does not migrate to cause substantial
24 danger to present or future public health or welfare or the
25 environment. The term includes, but is not limited to, actions
26 at the location of the release such as storage, confinement,

1 perimeter protection using dikes, trenches or ditches, clay
2 cover, neutralization, cleanup of released low-level
3 radioactive wastes, recycling or reuse, dredging or
4 excavations, repair or replacement of leaking containers,
5 collection of leachate and runoff, onsite treatment or
6 incineration, provision of alternative water supplies, and any
7 monitoring reasonably required to assure that these actions
8 protect human health and the environment.

9 "Scientific Surveys" means, collectively, the Illinois
10 State Geological Survey and the Illinois State Water Survey of
11 the University of Illinois.

12 "Shallow land burial" means a land disposal facility in
13 which radioactive waste is disposed of in or within the upper
14 30 meters of the earth's surface. However, this definition
15 shall not include an enclosed, engineered, structurally
16 re-enforced and solidified bunker that extends below the
17 earth's surface.

18 "Small modular reactor" or "SMR" means an advanced nuclear
19 reactor: (1) with a rated nameplate capacity of 300 electrical
20 megawatts or less; and (2) that may be constructed and
21 operated in combination with similar reactors at a single
22 site.

23 "Storage" means the temporary holding of waste for
24 treatment or disposal for a period determined by Agency
25 regulations.

26 "Treatment" means any method, technique, or process,

1 including storage for radioactive decay, designed to change
2 the physical, chemical, or biological characteristics or
3 composition of any waste in order to render the waste safer for
4 transport, storage, or disposal, amenable to recovery,
5 convertible to another usable material, or reduced in volume.

6 "Waste management" means the storage, transportation,
7 treatment, or disposal of waste.

8 (Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24;
9 revised 7-30-24.)

10 Section 975. The Radioactive Waste Tracking and Permitting
11 Act is amended by changing Section 10 as follows:

12 (420 ILCS 37/10)

13 Sec. 10. Definitions. As used in this Act:

14 (a) "Agency" or "IEMA-OHS" means the Illinois Emergency
15 Management Agency and Office of Homeland Security, or its
16 successor agency.

17 (b) "Director" means the Director of the Agency.

18 (c) "Disposal" means the isolation of waste from the
19 biosphere in a permanent facility designed for that purpose.

20 (d) "Facility" means a parcel of land or a site, together
21 with structures, equipment, and improvements on or appurtenant
22 to the land or site, that is used or is being developed for the
23 treatment, storage, or disposal of low-level radioactive
24 waste.

1 (e) "Low-level radioactive waste" or "waste" means
2 radioactive waste not classified as (1) high-level radioactive
3 waste, (2) transuranic waste, (3) spent nuclear fuel, or (4)
4 byproduct material as defined in Sections 11e(2), 11e(3), and
5 11e(4) of the Atomic Energy Act (42 U.S.C. 2014). This
6 definition shall apply notwithstanding any declaration by the
7 federal government, a state, or any regulatory agency that any
8 radioactive material is exempt from any regulatory control.

9 (e-5) "Nuclear facilities" means nuclear power plants,
10 facilities housing nuclear test and research reactors,
11 facilities for the chemical conversion of uranium, and
12 facilities for the storage of spent nuclear fuel or high-level
13 radioactive waste.

14 (e-10) "Nuclear power plant" or "nuclear steam-generating
15 facility" means a thermal power plant in which the energy
16 (heat) released by the fissioning of nuclear fuel is used to
17 boil water to produce steam.

18 (e-15) "Nuclear power reactor" means an apparatus, other
19 than an atomic weapon, designed or used to sustain nuclear
20 fission in a self-supporting chain reaction.

21 (e-20) "Small modular reactor" or "SMR" means an advanced
22 nuclear reactor: (1) with a rated nameplate capacity of 300
23 electrical megawatts or less; and (2) that may be constructed
24 and operated in combination with similar reactors at a single
25 site.

26 (f) "Person" means an individual, corporation, business

1 enterprise, or other legal entity, public or private, or any
2 legal successor, representative, agent, or agency of that
3 individual, corporation, business enterprise, or legal entity.

4 (g) "Regional facility" or "disposal facility" means a
5 facility that is located in Illinois and established by
6 Illinois, under designation of Illinois as a host state by the
7 Commission for disposal of waste.

8 (h) "Storage" means the temporary holding of waste for
9 treatment or disposal for a period determined by Agency
10 regulations.

11 (i) "Treatment" means any method, technique, or process,
12 including storage for radioactive decay, that is designed to
13 change the physical, chemical, or biological characteristics
14 or composition of any waste in order to render the waste safer
15 for transport, storage, or disposal, amenable to recovery,
16 convertible to another usable material, or reduced in volume.

17 (Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24;
18 revised 7-31-24.)

19 Section 980. The Radiation Protection Act of 1990 is
20 amended by changing Section 14 as follows:

21 (420 ILCS 40/14) (from Ch. 111 1/2, par. 210-14)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 14. Radiation Protection Advisory Council. There
24 shall be created a Radiation Protection Advisory Council

1 consisting of 7 members to be appointed by the Governor on the
2 basis of demonstrated interest in and capacity to further the
3 purposes of this Act and who shall broadly reflect the varied
4 interests in and aspects of atomic energy and ionizing
5 radiation within the State. The Director of the Department of
6 Labor and the Chairman of the Commerce Commission or their
7 representatives shall be ex-officio members of the Council.

8 Each member of the Council shall be appointed for a 4 year
9 term and shall continue to serve until a successor is
10 appointed. Any member appointed to fill a vacancy occurring
11 prior to the expiration of the term for which his or her
12 predecessor was appointed shall continue to serve until a
13 successor is appointed. The Chairman of the Council shall be
14 selected by and from the Council membership. The Council
15 members shall serve without compensation but shall be
16 reimbursed for their actual expenses incurred in line of duty.
17 The Council shall meet as often as the Chairman deems
18 necessary, but upon request of 4 or more members it shall be
19 the duty of the Chairman to call a meeting of the Council.

20 It shall be the duty of the Council to assist in the
21 formulation of and to review the policies and program of the
22 Agency as developed under authority of this Act and to make
23 recommendations thereon and to provide the Agency with such
24 technical advice and assistance as may be requested. The
25 Council may employ such professional, technical, clerical, and
26 other assistants, without regard to the civil service laws or

1 the "Personnel Code" of this State, as it deems necessary to
2 carry out its duties.

3 Individuals who serve on advisory boards of the Department
4 of Nuclear Safety or its successor agency, the Agency, shall
5 be defended by the Attorney General and indemnified for all
6 actions alleging a violation of any duty arising within the
7 scope of their service on such board. Nothing contained herein
8 shall be deemed to afford defense or indemnification for any
9 willful or wanton violation of law. Such defense and
10 indemnification shall be afforded in accordance with the terms
11 and provisions of the State Employee Indemnification Act.

12 (Source: P.A. 103-569, eff. 6-1-24; revised 10-23-24.)

13 Section 985. The Space Heating Safety Act is amended by
14 changing Section 3 as follows:

15 (425 ILCS 65/3) (from Ch. 127 1/2, par. 703)

16 Sec. 3. Definitions. As used in this Act, the following
17 terms shall have the following meanings:

18 (a) "Integral Reservoir" means the container for the
19 supply of fuel held within the heating unit.

20 (b) "Self-supporting heater" means any heater with an
21 integral reservoir for fuel.

22 (c) "Portable Kerosene Fueled Heater" means any
23 nonflue-connected, self-contained, self-supporting, kerosene
24 fueled, heating appliance equipped with an integral reservoir,

1 designed to be carried from one location to another, but
2 excluding any heater designed to be used solely in buildings
3 under construction, or for agricultural purposes.

4 (d) "Nationally Recognized Testing Laboratory" means any
5 of the following testing or inspection agencies: Underwriters
6 Laboratories, Inc., Canadian Standards Association, Factory
7 Mutual System, and Applied Research Laboratories of Florida,
8 Inc.

9 (e) "Listed heater" means any portable oil fueled heater
10 which has been evaluated with respect to reasonably
11 foreseeable hazards to life and property by a nationally
12 recognized testing laboratory, and which is certified to
13 comply with minimum standards of design and performance
14 required by Underwriter's Laboratory Subject 647 (1984), and
15 which has been authorized by the Office of the State Fire
16 Marshal as being reasonably safe for its specific purpose and
17 shown in a list published by such agency and bears the mark of
18 such agency as an indication that it has been so authorized.
19 Any evaluation shall include, but not be limited to,
20 evaluation of the design and labeling requirements hereinafter
21 set forth in Section 4 of this Act and shall further include
22 certain quality control procedures that must be implemented in
23 the manufacturing process.

24 (f) "Approved heater" means any listed heater is an
25 approved heater.

26 (g) "Structure" means any building.

1 (h) "Multifamily Dwelling" means a dwelling which is
2 either rented, leased, let or hired out to be occupied, or is
3 occupied as the residence or home of 3 or more families or
4 persons living independently of each other.

5 (i) "Residential Use" means any use in a single family
6 dwelling, apartment house, or multiple family dwelling.

7 (j) "Owner" means the owner of the freehold of any real
8 property or of a lesser estate therein, a mortgagee or vendee
9 in possession, assignee of rents, receiver, executor, trustee,
10 lessee, agent, or any other person, firm, or corporation
11 directly or indirectly in control of real property.

12 (Source: P.A. 84-834; revised 8-7-24.)

13 Section 990. The Gasoline Storage Act is amended by
14 changing Sections 4 and 6 as follows:

15 (430 ILCS 15/4) (from Ch. 127 1/2, par. 156)

16 Sec. 4. Underground Storage Tank Program; administration.

17 (a) In cooperation with the Illinois Environmental
18 Protection Agency, the Office of the State Fire Marshal shall
19 administer the Illinois Underground Storage Tank Program in
20 accordance with this Section and Section 22.12 of the
21 Environmental Protection Act.

22 (b) (1) (A) The owner of an underground storage tank that
23 was not taken out of operation before January 2, 1974, and that
24 at any time between January 1, 1974, and September 24, 1987,

1 contained petroleum or petroleum products or hazardous
2 substances, with the exception of hazardous wastes, shall
3 register the tank with the Office of the State Fire Marshal. No
4 underground storage tank taken out of operation before January
5 2, 1974, may be registered under this Act. No underground
6 storage tank otherwise required to be registered under this
7 subparagraph (A) may be registered under this Act if that tank
8 was removed before September 24, 1987.

9 (B) The owner of a heating oil underground storage tank
10 having a capacity of greater than 1,100 ~~1100~~ gallons that was
11 not taken out of operation before January 2, 1974, and that at
12 any time between January 1, 1974, and July 11, 1990, contained
13 heating oil shall register the tank with the Office of the
14 State Fire Marshal. No heating oil underground storage tank
15 taken out of operation before January 2, 1974, may be
16 registered under this Act. No heating oil underground storage
17 tank otherwise required to be registered under this
18 subparagraph (B) may be registered under this Act if that tank
19 was removed before July 11, 1990.

20 (C) The owner of a heating oil underground storage tank
21 having a capacity of 1,100 gallons or less that was not taken
22 out of operation before January 2, 1974, and that any time
23 between January 1, 1974, and September 6, 1991, contained
24 heating oil shall register the tank with the Office of the
25 State Fire Marshal. No heating oil underground storage tank
26 taken out of operation before January 2, 1974, may be

1 registered under this Act. No heating oil underground storage
2 tank otherwise required to be registered under this
3 subparagraph (C) may be registered under this Act if that tank
4 was removed before September 6, 1991.

5 (D) "Operation", as used in this subsection (b), means
6 that the tank must have had input or output of petroleum,
7 petroleum products, or hazardous substances, with the
8 exception of hazardous wastes, during the regular course of
9 its usage. "Operation" does not include (i) compliance with
10 leak detection requirements as prescribed by rules and
11 regulations of the Office of the State Fire Marshal or (ii) the
12 mere containment or storage of petroleum, petroleum products,
13 or hazardous substances, with the exception of hazardous
14 wastes.

15 (2) The owner of an underground storage tank who
16 registered the tank with the Office of the State Fire Marshal
17 under Section 4 of the State Fire Marshal Act prior to
18 September 24, 1987 shall be deemed to have registered the tank
19 under paragraph (1).

20 (3)(A) Each person required to register an underground
21 storage tank, other than a heating oil underground storage
22 tank, under paragraph (1) shall pay the Office of the State
23 Fire Marshal a registration fee of \$500 for each tank
24 registered, to be deposited in the Underground Storage Tank
25 Fund.

26 (B) Each person required to register a heating oil

1 underground storage tank shall pay to the Office of the State
2 Fire Marshal a registration fee of \$100 for each tank
3 registered before July 2, 1992, and \$500 for each tank
4 registered after July 1, 1992, to be deposited into the
5 Underground Storage Tank Fund.

6 (C) No registration fee shall be due under this paragraph
7 (3) for underground storage tanks deemed registered pursuant
8 to paragraph (2).

9 (4) The Office of the State Fire Marshal shall establish
10 procedures relating to the collection of the fees authorized
11 by this subsection. Such procedures shall include, but need
12 not be limited to, the time and manner of payment to the Office
13 of the State Fire Marshal.

14 (5) The State Fire Marshal is authorized to enter into
15 such contracts and agreements as may be necessary, and as
16 expeditiously as necessary, to carry out the Office of the
17 State Fire Marshal's duties under this subsection.

18 (6) (A) The owner of an underground storage tank, other
19 than a heating oil underground storage tank, which is
20 installed or replaced after September 24, 1987, and which
21 contained, contains, or may contain petroleum or petroleum
22 products or hazardous substances, with the exception of
23 hazardous wastes, shall register the tank with the Office of
24 the State Fire Marshal prior to the installation or
25 replacement.

26 (B) The owner of a heating oil underground storage tank

1 installed or replaced after July 11, 1990, and which contained
2 or may contain heating oil shall register the tank with the
3 Office of the State Fire Marshal before the installation or
4 replacement.

5 (7) Any person required to register an underground storage
6 tank under paragraph (1) or paragraph (6) of this subsection
7 shall register the tank on forms provided by the Office of the
8 State Fire Marshal.

9 (c) Except as otherwise provided in subsection (d), a
10 person who is the owner of an underground storage tank
11 containing petroleum, ~~or~~ petroleum products, or hazardous
12 substances, except hazardous waste, registered under
13 subsection (b) shall notify the Office of the State Fire
14 Marshal of any change in the information required under this
15 Section or of the removal of an underground storage tank from
16 service.

17 (d) A person who is the owner of an underground storage
18 tank containing petroleum, ~~or~~ petroleum products, or hazardous
19 substances, except hazardous waste, the contents of which are
20 changed routinely, shall indicate all the materials which are
21 stored in the tank on the registration form. A person
22 providing the information described in this subsection is not
23 required to notify the Office of the State Fire Marshal of
24 changes in the contents of the tank unless the material to be
25 stored in the tank differs from the information provided on
26 the registration form.

1 (e) For purposes of this Act:

2 The terms "petroleum" and "underground storage tank" shall
3 have the meanings ascribed to them in Subtitle I of the
4 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of
5 the Resource Conservation and Recovery Act of 1976 (P.L.
6 94-580), except that "underground storage tank" shall include
7 heating oil underground storage tanks; however, no release
8 detection shall be required of heating oil tanks, in existence
9 as of July 11, 1990, prior to December 22, 1998. The Office of
10 the State Fire Marshal shall have the authority to determine
11 the criteria for classification of an underground storage tank
12 as being either a petroleum underground storage tank or a
13 hazardous substance underground storage tank.

14 When used in connection with, or when otherwise relating
15 to underground storage tanks, the terms "operator", "owner",
16 and "facility" shall have the meanings ascribed to them in
17 Subtitle I of the Hazardous and Solid Waste Amendments of 1984
18 (P.L. 98-616) of the Resource Conservation and Recovery Act of
19 1976 (P.L. 94-580).

20 "Bodily injury" means bodily injury, sickness, or disease
21 sustained by a person, including death at any time, resulting
22 from a release of petroleum from an underground storage tank.

23 "Property damage" means physical injury to, destruction
24 of, or contamination of tangible property, including all
25 resulting loss of use of that property; or loss of use of
26 tangible property that is not physically injured, destroyed,

1 or contaminated, but has been evacuated, withdrawn from use,
2 or rendered inaccessible because of an occurrence.

3 "Occurrence" means an accident, including continuous or
4 repeated exposure to conditions, which results in a release of
5 petroleum into the environment from an underground storage
6 tank.

7 "Heating oil" means petroleum that is No. 1, No. 2, No. 4
8 light, No. 4 heavy, No. 5 light, No. 5 heavy, or No. 6
9 technical grades of fuel oil; or other residual fuel oils
10 including Navy Special Fuel Oil and Bunker C.

11 "Heating oil underground storage tank" means an
12 underground storage tank serving other than farms or
13 residential units that is used exclusively to store heating
14 oil for consumptive use on the premises where stored.

15 (Source: P.A. 87-323; 87-1088; 88-496; revised 7-31-24.)

16 (430 ILCS 15/6) (from Ch. 127 1/2, par. 158)

17 Sec. 6. (a) If necessary or appropriate to assure that the
18 public health or safety is not threatened, the Office of the
19 State Fire Marshal shall have authority to:

20 (1) (A) provide notice to the owner or operator, or
21 both, of an underground storage tank whenever there is a
22 release or substantial threat of a release of petroleum or
23 regulated substances from such tank. Such notice shall
24 include the identified emergency action and an opportunity
25 for the owner or operator, or both, to perform the

1 emergency action; or

2 (B) undertake emergency action whenever there is a
3 release or substantial threat of a release of petroleum or
4 regulated substances from an underground storage tank.

5 (2) If notice has been provided under clause (A) of
6 paragraph (1) of this subsection, the Office shall have
7 the authority to require the owner or operator, or both,
8 of an underground storage tank to undertake emergency
9 action whenever there is a release or substantial threat
10 of a release of petroleum or regulated substances from
11 such tank.

12 (3) The emergency action undertaken or required under
13 this Section shall be such as may be necessary or
14 appropriate to assure that the public health or safety is
15 not threatened.

16 (b) In accordance with constitutional limitations, the
17 Office shall have authority to enter at all reasonable times
18 upon any private or public property for the purpose of taking
19 emergency action whenever there is a release or substantial
20 threat of a release of petroleum or regulated substances from
21 an underground storage tank.

22 (c) The Office shall require emergency action under
23 paragraph (2) of subsection (a) through issuance of an
24 administrative order ~~Administrative Order~~. Such an order shall
25 be served by registered or certified mail or in person and may
26 order emergency action. Any person served with such an order

1 may appeal such order by submitting in writing any such appeal
2 to the Office within 10 days of the date of receipt of such
3 order. The Office shall conduct an administrative hearing
4 governed by the ~~The~~ Illinois Administrative Procedure Act and
5 enter an order to sustain, modify, or revoke such order. Any
6 appeal from such order shall be to the circuit court of the
7 county in which the violation took place and shall be governed
8 by the Administrative Review Law.

9 (d) Neither the State, the State Fire Marshal, nor any
10 State employee shall be liable for any damages or injury
11 arising out of or resulting from any action taken under this
12 Section 6.

13 (Source: P.A. 85-1325; revised 8-8-24.)

14 Section 995. The Herptiles-Herps Act is amended by
15 changing Sections 90-10 and 105-65 as follows:

16 (510 ILCS 68/90-10)

17 Sec. 90-10. Commercial purposes; offenses.

18 (a) Unless otherwise provided in this Act, any person who
19 for profit or commercial purposes knowingly captures, kills,
20 possesses, offers for sale, sells, offers to barter, barter,
21 offers to purchase, purchases, delivers for shipment, ships,
22 exports, imports, causes to be shipped, exported, or imported,
23 delivers for transportation, transports, or causes to be
24 transported, carries or causes to be carried, or receives for

1 shipment, transportation, carriage, or export any herptile
2 taxa, in whole or in part, protected under this Act and the
3 financial value of that herptile, in whole or in part, is
4 valued:

5 (1) at or in excess of a total of \$300 as calculated
6 according to the applicable provisions under paragraphs
7 (1), (2), (3), and (4) of subsection (a) of ~~in~~ Section
8 105-95 of this Act is guilty of a Class 3 felony; or

9 (2) less than the total of \$300 as calculated
10 according to the applicable provisions under paragraphs
11 (1), (2), (3), and (4) of subsection (a) of ~~in~~ Section
12 105-95 of this Act is guilty of a Class A misdemeanor. A
13 second or subsequent violation is a Class 4 felony.

14 (b) The possession of any herptile, in whole or in part,
15 captured or killed in violation of this Act that is valued at
16 or in excess of \$600 under the provisions of ~~in~~ subsection (b)
17 of Section 105-95 of this Act shall be considered prima facie
18 evidence of possession for profit or commercial purposes.

19 (Source: P.A. 102-315, eff. 1-1-22; revised 8-9-24.)

20 (510 ILCS 68/105-65)

21 Sec. 105-65. Accessory to violation; accountability.

22 (a) Any person who aids in or contributes in any way to a
23 violation of this Act, including administrative rules, is
24 individually liable, as a separate offense under this Act, for
25 the penalties imposed against the person who committed the

1 violation.

2 (b) Accountability for any person who aids or contributes
3 in any way to a misdemeanor or felony violation of this Act
4 shall be determined according to the provisions of ~~under~~
5 Section 5-2 of the Criminal Code of 2012.

6 (Source: P.A. 102-315, eff. 1-1-22; revised 8-9-24.)

7 Section 1000. The Wildlife Code is amended by changing
8 Section 2.26 as follows:

9 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

10 Sec. 2.26. Deer hunting permits. Any person attempting to
11 take deer shall first obtain a "Deer Hunting Permit" issued by
12 the Department in accordance with its administrative rules.
13 Those rules must provide for the issuance of the following
14 types of resident deer archery permits: (i) a combination
15 permit, consisting of one either-sex permit and one
16 antlerless-only permit, (ii) a single antlerless-only permit,
17 and (iii) a single either-sex permit. The fee for a Deer
18 Hunting Permit to take deer with either bow and arrow or gun
19 shall not exceed \$25 for residents of the State. The
20 Department may by administrative rule provide for non-resident
21 deer hunting permits for which the fee will not exceed \$300 in
22 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
23 provided below for non-resident landowners and non-resident
24 archery hunters. The Department may by administrative rule

1 provide for a non-resident archery deer permit consisting of
2 not more than 2 harvest tags at a total cost not to exceed \$325
3 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The
4 fees for a youth resident and non-resident archery deer permit
5 shall be the same.

6 The Department shall create a pilot program during the
7 special 3-day, youth-only deer hunting season to allow for
8 youth deer hunting permits that are valid statewide, excluding
9 those counties or portions of counties closed to firearm deer
10 hunting. The Department shall adopt rules to implement the
11 pilot program. Nothing in this paragraph shall be construed to
12 prohibit the Department from issuing Special Hunt Area Permits
13 for the youth-only deer hunting season or establishing,
14 through administrative rule, additional requirements
15 pertaining to the youth-only deer hunting season on
16 Department-owned or Department-managed sites, including
17 site-specific quotas or drawings. The provisions of this
18 paragraph are inoperative on and after January 1, 2023.

19 The standards and specifications for use of guns and bow
20 and arrow for deer hunting shall be established by
21 administrative rule.

22 No person may have in his or her possession any firearm not
23 authorized by administrative rule for a specific hunting
24 season when taking deer unless in accordance with the Firearm
25 Concealed Carry Act.

26 Persons having a firearm deer hunting permit shall be

1 permitted to take deer only during the period from 1/2 hour
2 before sunrise to 1/2 hour after sunset, and only during those
3 days for which an open season is established for the taking of
4 deer by use of shotgun, handgun, rifle, or muzzle loading
5 rifle.

6 Persons having an archery deer hunting permit shall be
7 permitted to take deer only during the period from 1/2 hour
8 before sunrise to 1/2 hour after sunset, and only during those
9 days for which an open season is established for the taking of
10 deer by use of bow and arrow.

11 It shall be unlawful for any person to take deer by use of
12 dogs, horses, automobiles, aircraft, or other vehicles, or by
13 the use or aid of bait or baiting of any kind. For the purposes
14 of this Section, "bait" means any material, whether liquid or
15 solid, including food, salt, minerals, and other products,
16 except pure water, that can be ingested, placed, or scattered
17 in such a manner as to attract or lure white-tailed deer.
18 "Baiting" means the placement or scattering of bait to attract
19 deer. An area is considered as baited during the presence of
20 and for 10 consecutive days following the removal of bait.
21 Nothing in this Section shall prohibit the use of a dog to
22 track wounded deer. Any person using a dog for tracking
23 wounded deer must maintain physical control of the dog at all
24 times by means of a maximum 50-foot ~~50-foot~~ lead attached to
25 the dog's collar or harness. Tracking wounded deer is
26 permissible at night, but at no time outside of legal deer

1 hunting hours or seasons shall any person handling or
2 accompanying a dog being used for tracking wounded deer be in
3 possession of any firearm or archery device. Persons tracking
4 wounded deer with a dog during the firearm deer seasons shall
5 wear blaze orange or solid blaze pink color as required. Dog
6 handlers tracking wounded deer with a dog are exempt from
7 hunting license and deer permit requirements so long as they
8 are accompanied by the licensed deer hunter who wounded the
9 deer.

10 It shall be unlawful to possess or transport any wild deer
11 which has been injured or killed in any manner upon a public
12 highway or public right-of-way of this State unless exempted
13 by administrative rule.

14 Persons hunting deer must have the gun unloaded and no bow
15 and arrow device shall be carried with the arrow in the nocked
16 position during hours when deer hunting is unlawful.

17 It shall be unlawful for any person, having taken the
18 legal limit of deer by gun, to further participate with a gun
19 in any deer hunting party.

20 It shall be unlawful for any person, having taken the
21 legal limit of deer by bow and arrow, to further participate
22 with bow and arrow in any deer hunting party.

23 The Department may prohibit upland game hunting during the
24 gun deer season by administrative rule.

25 The Department shall not limit the number of non-resident,
26 either-sex archery deer hunting permits to less than 20,000.

1 Any person who violates any of the provisions of this
2 Section, including administrative rules, shall be guilty of a
3 Class B misdemeanor.

4 For the purposes of calculating acreage under this
5 Section, the Department shall, after determining the total
6 acreage of the applicable tract or tracts of land, round
7 remaining fractional portions of an acre greater than or equal
8 to half of an acre up to the next whole acre.

9 For the purposes of taking white-tailed deer, nothing in
10 this Section shall be construed to prevent the manipulation,
11 including mowing or cutting, of standing crops as a normal
12 agricultural or soil stabilization practice, food plots, or
13 normal agricultural practices, including planting, harvesting,
14 and maintenance such as cultivating or the use of products
15 designed for scent only and not capable of ingestion, solid or
16 liquid, placed or scattered, in such a manner as to attract or
17 lure deer. Such manipulation for the purpose of taking
18 white-tailed deer may be further modified by administrative
19 rule.

20 (Source: P.A. 101-81, eff. 7-12-19; 101-444, eff. 6-1-20;
21 102-237, eff. 1-1-22; 102-932, eff. 1-1-23; revised 10-23-24.)

22 Section 1005. The Illinois Endangered Species Protection
23 Act is amended by changing Section 11 as follows:

24 (520 ILCS 10/11) (from Ch. 8, par. 341)

1 Sec. 11. Conservation program; public policy; rules.

2 (a) The Department, with the advice of the Board, shall
3 actively plan and implement a program for the conservation of
4 endangered and threatened species, by means which should
5 include published data search, research, management,
6 cooperative agreements with other agencies, identification,
7 protection and acquisition of essential habitat, support of
8 beneficial legislation, issuance of grants from appropriated
9 funds, and education of the public.

10 (b) It is the public policy of all agencies of State and
11 local governments to utilize their authorities in furtherance
12 of the purposes of this Act by evaluating through a
13 consultation process with the Department whether actions
14 authorized, funded, or carried out by them are likely to
15 jeopardize the continued existence of Illinois listed
16 endangered and threatened species or are likely to result in
17 the destruction or adverse modification of the designated
18 essential habitat of such species, which policy shall be
19 enforceable only by writ of mandamus; and where a State or
20 local agency does so consult in furtherance of this public
21 policy, such State or local agency shall be deemed to have
22 complied with its obligations under the "Illinois Endangered
23 Species Protection Act", provided the agency action shall not
24 result in the killing or injuring of any Illinois listed
25 animal species, or provided that authorization for taking a
26 listed species has been issued under Section 4, 5, or 5.5 of

1 this Act. This paragraph (b) shall not apply to any project of
2 a State agency on which a biological opinion has been issued
3 (in accordance with Section 7 of the federal ~~Federal~~
4 Endangered Species Act of 1973) prior to the effective date of
5 this amendatory Act of 1985 stating that the action proposed
6 by said project will not jeopardize the continued existence of
7 any federal listed endangered or threatened species.

8 (c) The Department shall have the authority to adopt such
9 rules as are reasonable and necessary to implement the
10 provisions of this Act.

11 (Source: P.A. 91-556, eff. 1-1-00; revised 10-23-24.)

12 Section 1010. The Youth and Young Adult Conservation
13 Education Act is amended by changing Section 25 as follows:

14 (525 ILCS 60/25)

15 (Section scheduled to be repealed on June 30, 2029)

16 Sec. 25. Youth and Young Adult Conservation and Education
17 Pilot Program.

18 (a) Subject to appropriation, the Department shall
19 administer the Program. The Program may consist of any of the
20 following:

21 (1) allocation of grants to units of local government
22 or non-profit entities to provide conservation education
23 and employment opportunities for youth and young adults of
24 this State;

1 (2) development and implementation of conservation
2 education or job training programs; and

3 (3) internship opportunities with the Department for
4 youth and young adults of this State.

5 (b) The Program's education and employment opportunities
6 shall be limited to citizens of this State who at the time of
7 enrollment in the Program are 15 through 25 years of age.
8 Grants under this Act are limited to units of local government
9 and non-profit entities that are located in the State of
10 Illinois and that provide conservation education and
11 employment opportunities for youth and young adults of this
12 State.

13 (c) The Department shall designate suitable grant
14 opportunities, projects, internships, and educational
15 curriculum for the purposes of this Act.

16 Grants, projects, internships, and curriculum so
17 designated by the Department shall be for the purpose of: (1)
18 development, enhancement, and maintenance of the natural
19 resources of the State of Illinois, and offering related
20 educational opportunities; (2) environmental stewardship and
21 civic responsibility; (3) enhancement of public lands owned or
22 leased by the Department or developing and enhancing projects
23 or initiatives undertaken in whole or part by the Department;
24 or (4) any combination of the purposes described in items (1)
25 through (3). Such projects, internships, and curriculum shall
26 include improving the habitat of fauna and flora; improving

1 utilization of conservation or recreation facilities and lands
2 by the public; improving water quality; and any other project
3 deemed by the Department to improve the environmental,
4 economic, and recreational quality of the State's natural
5 resources.

6 All projects and internships designated by the Department
7 shall be within a reasonable commuting time for each
8 participant. In no circumstance shall interns be required to
9 spend more than 1 1/2 hours of commuting time to a project or a
10 designated area, but an intern may agree to spend more than 1
11 1/2 hours of commuting time to a project or a designated area.

12 (c-5) ~~(c)~~ Interns shall receive at least the standard
13 minimum wage as set by the State of Illinois, when applicable,
14 and shall work normal working hours as determined by the
15 Department. The interns shall not be classified as employees
16 of the State for purposes of contributions to the State
17 Employees' Retirement System of Illinois or any other public
18 employment retirement system of the State.

19 (d) The Department may enter into contracts,
20 intergovernmental agreements, grants, cooperative agreements,
21 memoranda of understanding, or other instruments as necessary
22 to implement the Program.

23 (e) The Department shall adopt administrative rules
24 pertaining to implementation, standards, criteria, and
25 administration of the Program.

26 (Source: P.A. 103-788, eff. 1-1-25; revised 10-21-24.)

1 Section 1015. The Illinois Highway Code is amended by
2 changing Sections 5-101.11, 6-513, 6-901, 6-907, and 10-303 as
3 follows:

4 (605 ILCS 5/5-101.11) (from Ch. 121, par. 5-101.11)

5 Sec. 5-101.11. Whenever it considers such purchase or
6 lease advisable, to purchase or lease highway construction and
7 maintenance equipment under contracts providing for payment in
8 installments over a period of time of not more than 10 years
9 with interest on the unpaid balance owing not to exceed the
10 amount permitted pursuant to the Bond Authorization Act "~~An~~
11 ~~Act to authorize public corporations to issue bonds, other~~
12 ~~evidences of indebtedness and tax anticipation warrants~~
13 ~~subject to interest rate limitations set forth therein",~~
14 ~~approved May 26, 1970, as amended.~~

15 (Source: P.A. 85-293; revised 8-13-24.)

16 (605 ILCS 5/6-513) (from Ch. 121, par. 6-513)

17 Sec. 6-513. The county board, in any county having the
18 commission form of government in which a county unit road
19 district is established, may issue bonds of the county in an
20 amount not exceeding 2.875% of the value, as equalized and
21 assessed by the Department of Revenue, of the property in such
22 county or, until January 1, 1983, if greater, the sum that is
23 produced by multiplying the county's 1978 equalized assessed

1 valuation by the debt limitation percentage in effect on
2 January 1, 1979, for the purpose of constructing county unit
3 district roads. However, the question of issuing such county
4 bonds shall first be submitted to the legal voters of such
5 county at an election. The county board shall adopt a
6 resolution to submit the question of issuing such bonds to a
7 vote, specifying therein the particular roads or bridges to be
8 constructed, the type of construction to be made on each
9 section of such roads or on such bridges, and the proposed
10 widths of the roadway, together with an estimate of the cost of
11 such construction. The county board shall certify the
12 resolution to the proper election officials, who shall submit
13 at an election such proposition in accordance with the general
14 election law. Notice of the referendum shall be given and the
15 referendum shall be held in accordance with the general
16 election law of the State. The proposition shall be in
17 substantially the following form:

18 -----
19 Shall county bonds for county YES
20 unit district roads be issued to the -----
21 amount of \$....? NO

22 -----
23 If a majority of the voters voting on such question vote in
24 favor of the proposition, the county board may at once issue
25 the bonds and take the necessary steps to construct the roads
26 provided for. Such bonds shall be issued to mature within 20

1 years from the date of issue, shall be upon such terms and
2 conditions and shall bear such rate of interest not in excess
3 of the amount permitted pursuant to the Bond Authorization Act
4 ~~"An Act to authorize public corporations to issue bonds, other~~
5 ~~evidences of indebtedness and tax anticipation warrants~~
6 ~~subject to interest rate limitations set forth therein",~~
7 ~~approved May 26, 1970, as amended,~~ as shall be fixed by the
8 county board. Such bonds shall be sold upon competitive bids;
9 and the county board may, if it is of the opinion that the bids
10 are unsatisfactory, reject the same and re-advertise and
11 solicit other bids. At the time or before issuing any such
12 bonds, the county board shall adopt a resolution fixing the
13 details of such bonds and providing for the levy of a direct
14 annual tax to pay the principal and interest on such bonds as
15 the same become due. A register of all bonds so issued shall be
16 kept in the office of the county clerk, and it shall be the
17 duty of the county clerk to annually extend a tax upon all the
18 taxable property of the county sufficient to pay the interest
19 and principal on such bonds, as the same shall become due. Such
20 tax shall not be subject to any limitation as to rate or
21 amount. However, if it has been certified to the county clerk
22 that funds from other sources have been allocated and set
23 aside for the purpose of paying the principal or interest, or
24 both, of such bonds, the county clerk shall, in extending the
25 tax and fixing the rate of tax under this Section make proper
26 allowance and reduction in such extension of tax and tax rate

1 to the extent of the funds so certified to be available for the
2 payment of such principal or interest, or both.

3 (Source: P.A. 91-357, eff. 7-29-99; revised 8-13-24.)

4 (605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

5 Sec. 6-901. Annually, the General Assembly shall
6 appropriate to the Department of Transportation from the Road
7 Fund, the General Revenue Fund, or any other State funds, or a
8 combination of those funds, \$60,000,000 for apportionment to
9 counties for the use of road districts for the construction of
10 bridges 20 feet or more in length, as provided in Sections
11 6-902 through 6-907.

12 The Department of Transportation shall apportion among the
13 several counties of this State for the use of road districts
14 the amounts appropriated under this Section. The amount
15 apportioned to a county shall be in the proportion which the
16 total mileage of township or district roads in the county
17 bears to the total mileage of all township and district roads
18 in the State. Each county shall allocate to the several road
19 districts in the county the funds so apportioned to the
20 county. The allocation to road districts shall be made in the
21 same manner and be subject to the same conditions and
22 qualifications as are provided by Section 8 of the Motor Fuel
23 Tax Law with respect to the allocation to road districts of the
24 amount allotted from the Motor Fuel Tax Fund for apportionment
25 to counties for the use of road districts, but no allocation

1 shall be made to any road district that has not levied taxes
2 for road and bridge purposes in such a manner that is eligible
3 for allotment of Motor Fuel Tax funding pursuant to Section 8
4 of the Motor Fuel Tax Law. 7 "Road district" and "township or
5 district road" have the meanings ascribed to those terms in
6 this Act.

7 Road districts in counties in which a property tax
8 extension limitation is imposed under the Property Tax
9 Extension Limitation Law that are made ineligible for receipt
10 of this appropriation due to the imposition of a property tax
11 extension limitation may become eligible if, at the time the
12 property tax extension limitation was imposed, the road
13 district was levying at the required rate and continues to
14 levy the maximum allowable amount after the imposition of the
15 property tax extension limitation. The road district also
16 becomes eligible if it levies at or above the rate required for
17 eligibility by Section 8 of the Motor Fuel Tax Law.

18 The amounts apportioned under this Section for allocation
19 to road districts may be used only for bridge construction as
20 provided in this Division. So much of those amounts as are not
21 obligated under Sections 6-902 through 6-904 and for which
22 local funds have not been committed under Section 6-905 within
23 48 months of the date when such apportionment is made lapses
24 and shall not be paid to the county treasurer for distribution
25 to road districts.

26 (Source: P.A. 103-8, eff. 6-7-23; 103-605, eff. 7-1-24;

1 103-853, eff. 8-9-24; revised 10-7-24.)

2 (605 ILCS 5/6-907)

3 Sec. 6-907. Lapsed funds; use. Lapsed funds under Section
4 6-906 shall be used to provide additional monetary assistance
5 to townships and road districts that have insufficient funding
6 for construction of bridges that are 20 feet or more in length
7 under 6-901 of this Code. The Department shall adopt rules
8 ~~rule~~ to implement this Section.

9 (Source: P.A. 103-853, eff. 8-9-24; revised 10-21-24.)

10 (605 ILCS 5/10-303) (from Ch. 121, par. 10-303)

11 Sec. 10-303. For the purpose of acquiring by purchase or
12 otherwise or the constructing of any such bridge, the county
13 board of each such county is authorized to borrow money and in
14 evidence thereof to issue the bonds of such county, and to
15 refund the same from time to time, payable solely from the
16 revenues derived from the operation of such bridge. Such bonds
17 may be issued as serial or term bonds, shall mature in not to
18 exceed 40 years from the date thereof, and may be made
19 redeemable, prior to maturity, with or without premium. Such
20 bonds may be issued in such amounts as may be necessary to
21 provide sufficient funds to pay the cost of acquiring or
22 constructing such bridge and the approaches thereto, including
23 all property real or personal, necessary or incidental in the
24 acquisition or construction of such bridge and its approaches,

1 including reasonable legal and engineering, traffic survey,
2 and architectural fees, costs of financing, and interest
3 during construction and for not less than 12 months
4 thereafter. Such bonds shall bear interest at a rate not to
5 exceed that permitted in the Bond Authorization Act ~~"An Act to~~
6 ~~authorize public corporations to issue bonds, other evidences~~
7 ~~of indebtedness and tax anticipation warrants subject to~~
8 ~~interest rate limitations set forth therein", approved May 26,~~
9 ~~1970, as amended,~~ payable semi-annually. Bonds issued under
10 the provisions of this Division of this Article have the
11 qualities and incidents of negotiable instruments under the
12 laws of the State of Illinois, shall be executed in the name of
13 the county by the chairman of the county board and the county
14 clerk of such county, and shall be sealed with the corporate
15 seal of the county, and the interest coupons attached to such
16 bonds shall be executed by the facsimile signatures of such
17 chairman and county clerk, and such officials by the execution
18 of such bonds shall adopt as and for their own proper
19 signatures their respective facsimile signatures appearing on
20 such coupons. In case any officer whose signature appears on
21 any such bonds or coupons ceases to be such officer before
22 delivery of such bonds, such signatures shall nevertheless be
23 valid and sufficient for all purposes, the same as if such
24 officer had remained in office until such delivery.

25 Such bonds may be registered as to principal at any time
26 prior to maturity in the name of the holder on the books of the

1 county in the office of the county treasurer, such
2 registration to be noted on the reverse side of the bonds by
3 the county treasurer, and thereafter the principal of such
4 registered bonds shall be payable only to the registered
5 holder, his legal representatives or assigns. Such registered
6 bonds shall be transferable to another registered holder, or
7 back to bearer, only upon presentation to the county treasurer
8 with the legal assignment duly acknowledged or approved.
9 Registration of any such bonds shall not affect negotiability
10 of the coupons thereto attached, but such coupons shall be
11 transferable by delivery merely.

12 All such bonds issued by any such county shall be sold in
13 such manner and at such time as the governing body shall
14 determine. Whenever the governing body of any such county
15 determines to issue bonds as provided for in this Division of
16 this Article, it shall adopt an ordinance describing in a
17 general way the bridge to be acquired or constructed and its
18 general location. Such ordinance shall set out the aggregate
19 amount of the estimated cost of the acquisition or
20 construction of such bridge, as prepared by the engineers
21 employed for that purpose, determine the period of usefulness
22 thereof and fix the amount of revenue bonds to be issued, the
23 maturity or maturities, redemption privileges, the interest
24 rate, sinking fund, and all other details in connection with
25 such bonds, including such reserve accounts as the county
26 board of such county may deem necessary. Such ordinance may

1 contain such covenants and restrictions upon the issuance of
2 additional revenue bonds thereafter as may be deemed necessary
3 or advisable for the assurance of the payment of the bonds
4 thereby authorized. Revenue bonds issued under the provisions
5 of this Division of this Article shall be payable solely from
6 the revenue derived from such bridge, and such bonds shall
7 not, in any event constitute or be deemed an indebtedness of
8 such county within the meaning of any constitutional
9 provisions or statutory limitation as to debt, and it shall be
10 plainly stated on the face of each bond that it does not
11 constitute an indebtedness within any constitutional or
12 statutory limitation. Such ordinance shall be published within
13 30 days after its passage in a newspaper, published and having
14 a general circulation in such county, and shall not become
15 effective until 10 days after its publication.

16 (Source: P.A. 83-225; revised 8-13-24.)

17 Section 1020. The Bikeway Act is amended by changing
18 Section 4.1 as follows:

19 (605 ILCS 30/4.1)

20 Sec. 4.1. Local bicycle transportation plan.

21 (a) In this Section, "bikeway" means all facilities that
22 provide primarily for, and promote, bicycle travel. For
23 purposes of this Section, bikeways shall be categorized as
24 follows:

1 (1) Bike paths or shared use paths, also referred to
2 as Class I bikeways, which provide a completely separated
3 right-of-way designated for the exclusive use of bicycles
4 and pedestrians with crossflows by motorists minimized.

5 (2) Bike lanes, also referred to as Class II bikeways,
6 which provide a restricted right-of-way designated for the
7 exclusive or semi-exclusive use of bicycles with through
8 travel by motor vehicles or pedestrians prohibited, but
9 with vehicle parking and crossflows by pedestrians and
10 motorists permitted.

11 (3) Bike routes, also referred to as Class III
12 bikeways, which provide a right-of-way on-street or
13 off-street, designated by signs or permanent markings and
14 shared with pedestrians and motorists.

15 (4) Cycle tracks or separated bikeways, also referred
16 to as Class IV bikeways, which promote active
17 transportation and provide a right-of-way designated
18 exclusively for bicycle travel adjacent to a roadway and
19 which are separated from vehicular traffic. Types of
20 separation include, but are not limited to, grade
21 separation, flexible posts, inflexible physical barriers,
22 or on-street parking.

23 (b) A municipality or county may prepare a bicycle
24 transportation plan, which shall include, but not be limited
25 to, the following elements:

26 (1) The estimated number of existing bicycle commuters

1 in the plan area and the estimated increase in the number
2 of bicycle commuters resulting from implementation of the
3 plan.

4 (2) A map and description of existing and proposed
5 land use and settlement patterns that shall include, but
6 not be limited to, locations of residential neighborhoods,
7 schools, shopping centers, public buildings, and major
8 employment centers.

9 (3) A map and description of existing and proposed
10 bikeways.

11 (4) A map and description of existing and proposed
12 end-of-trip bicycle parking facilities. These shall
13 include, but not be limited to, parking at schools,
14 shopping centers, public buildings, and major employment
15 centers.

16 (5) A map and description of existing and proposed
17 bicycle transport and parking facilities for connections
18 with and use of other transportation modes. These shall
19 include, but not be limited to, parking facilities at
20 transit stops, rail and transit terminals, ferry docks and
21 landings, park and ride lots, and provisions for
22 transporting bicyclists and bicycles on transit or rail
23 vehicles or ferry vessels.

24 (6) A map and description of existing and proposed
25 facilities for changing and storing clothes and equipment.
26 These shall include, but not be limited to, locker,

1 restroom, and shower facilities near bicycle parking
2 facilities.

3 (7) A description of bicycle safety and education
4 programs conducted in the area included within the plan,
5 efforts by the law enforcement agency having primary
6 traffic law enforcement responsibility in the area to
7 enforce provisions of the Illinois Vehicle Code pertaining
8 to bicycle operation, and the resulting effect on
9 accidents involving bicyclists.

10 (8) A description of the extent of citizen and
11 community involvement in development of the plan,
12 including, but not limited to, letters of support.

13 (9) A description of how the bicycle transportation
14 plan has been coordinated and is consistent with other
15 local or regional transportation, air quality, or energy
16 conservation plans, including, but not limited to,
17 programs that provide incentives for bicycle commuting.

18 (10) A description of the projects proposed in the
19 plan and a listing of their priorities for implementation.

20 (11) A description of past expenditures for bicycle
21 facilities and future financial needs for projects that
22 improve safety and convenience for bicycle commuters in
23 the plan area.

24 (Source: P.A. 103-950, eff. 1-1-25; revised 10-21-24.)

25 Section 1025. The Rivers, Lakes, and Streams Act is

1 amended by changing Section 18k as follows:

2 (615 ILCS 5/18k)

3 Sec. 18k. National Flood Insurance Program State agency
4 requirements.

5 (a) As used in this Section:

6 "Department" means the Department of Natural Resources.

7 "Development" and "developed" mean any man-made change to
8 real estate, including, but not limited to:

9 (1) demolition, construction, reconstruction, repair,
10 placement of a building, or any structural alteration to a
11 building;

12 (2) substantial improvement of an existing building;

13 (3) installation of a manufactured home on a site,
14 preparing a site for a manufactured home, or installing a
15 travel trailer on a site for more than 180 days per year;

16 (4) installation of utilities, construction of roads,
17 bridges, culverts, or similar projects;

18 (5) redevelopment of a site, ~~or~~ clearing of land as an
19 adjunct of construction, or construction or erection of
20 levees, dams, walls, or fences;

21 (6) drilling, mining, filling, dredging, grading,
22 excavation, paving, or other alterations of the ground
23 surface;

24 (7) storage of materials, including the placement of
25 gas or liquid storage tanks, and channel modifications or

1 any other activity that might change the direction,
2 height, or velocity of flood or surface waters.

3 "Development" and "developed" do not include resurfacing
4 of pavement when there is no increase in elevation;
5 construction of farm fencing; or gardening, plowing, and
6 similar practices that do not involve filling, grading, or
7 construction of levees.

8 "Special flood hazard area" means an area having special
9 flood, mudflow or flood-related erosion hazards and shown on a
10 Federal Emergency Management Agency Flood Hazard Boundary Map
11 or Flood Insurance Rate Map as Zone A, AO, A1-A-30, AE, A99,
12 AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or
13 V.

14 "State agencies" means any department, commission, board,
15 or agency under the jurisdiction of the Governor, any board,
16 commission, agency, or authority which has a majority of its
17 members appointed by the Governor, and the Governor's Office.

18 (b) The Department shall ensure that State agencies comply
19 with National Flood Insurance Program requirements set forth
20 in this Section.

21 (c) All State agencies shall obtain a special flood hazard
22 area development permit before undertaking development
23 activity on State-owned property that is located in a special
24 flood hazard area. The Department shall adopt an
25 administrative rule setting forth a State special flood hazard
26 area development program to ensure the following via the

1 issuance of permits prior to any State agency development
2 within a special flood hazard area:

3 (1) Review of all proposed new development in a
4 special flood hazard area to ensure compliance with the
5 standards set forth in the administrative rule.

6 (2) Monitoring and inspecting developments currently
7 under construction in a special flood hazard area to
8 ensure compliance with the standards set forth in the
9 administrative rule.

10 (3) Correction, to the extent reasonably practical in
11 the sole determination of the Department, of all previous
12 development in a special flood hazard area found not to be
13 in compliance with the standards set forth in the
14 administrative rule.

15 (4) The standards set forth in the administrative rule
16 shall, at a minimum, be as stringent as the federal
17 regulations adopted by the Federal Emergency Management
18 Agency to implement the National Flood Insurance Act (42
19 U.S.C. 4001 et seq.) that are published in 44 CFR 59
20 through 60.

21 (d) State agencies that administer grants or loans for
22 financing a development within a special flood hazard area
23 shall cooperate with the Department to ensure that
24 participants in their programs are informed of the existence
25 and location of special flood hazard areas and of any State or
26 local floodplain requirements that are in effect in such

1 areas.

2 (e) State agencies that are responsible for regulating or
3 permitting a development within a special flood hazard area
4 shall cooperate with the Department to ensure that
5 participants in their programs are informed of the existence
6 and location of special flood hazard areas and of any State or
7 local floodplain requirements that are in effect in such
8 areas.

9 (f) State agencies that are engaged in planning programs
10 or promoting a program for the development shall cooperate
11 with the Department to ensure that participants in their
12 programs are informed of the existence and location of special
13 flood hazard areas and of any State or local floodplain
14 requirements in effect in such areas.

15 (g) The Department shall provide available special flood
16 hazard area information to assist State agencies in complying
17 with the requirements established by this Section. The
18 Department may enter into a memorandum of understanding with a
19 State agency to outline procedures and processes to review
20 proposed development activity on State-owned property located
21 in a special flood hazard area. Such a memorandum of
22 understanding may allow for alternative approvals for the
23 issuance of permits. If the Department enters into a
24 memorandum of understanding with a State agency to allow an
25 alternative permit process any permits or work completed under
26 those alternatives is subject to audit and review by the

1 Department.

2 (Source: P.A. 103-905, eff. 1-1-25; revised 10-23-24.)

3 Section 1030. The County Airports Act is amended by
4 changing Sections 60 and 61 as follows:

5 (620 ILCS 50/60) (from Ch. 15 1/2, par. 164)

6 Sec. 60. If a majority of all votes cast upon the question
7 shall be for the issuing of bonds and the levying of an
8 additional tax to pay the interest and principal of such bond,
9 the county board shall issue and sell such amounts of said
10 bonds as the Commission shall determine and certify, from time
11 to time as being necessary to provide the means for
12 accomplishing the purposes for which said bonds were voted.
13 Such bonds shall be issued in conformity to the requirements
14 and provisions of the resolution adopted for the purpose of
15 calling said election, provided however the aggregate amounts
16 of outstanding bonds issued under the provisions of this Act,
17 shall at no time exceed 1% of the total value of all of the
18 taxable property of the county as determined by the last
19 assessment roll on which county general taxes was extended.
20 The principal of such bonds shall be discharged within twenty
21 years after the date of said election. Such bonds shall bear
22 interest, payable semi-annually, at a rate that does not
23 exceed that permitted in the Bond Authorization Act ~~"An Act to~~
24 ~~authorize public corporations to issue bonds, other evidences~~

1 ~~of indebtedness and tax anticipation warrants subject to~~
2 ~~interest rate limitations set forth therein", approved May 26,~~
3 ~~1970, as now or hereafter amended.~~ The proceeds from the sale
4 of each issue of bonds shall be deposited in the county
5 treasury and identified as "County Airports Bond Fund No.
6". Such proceeds shall be used only for the purposes
7 stated in the resolution calling the election authorizing the
8 issuing of said bonds, and as specified in the certificate of
9 the Commission as in this Section ~~section~~ provided.

10 (Source: P.A. 82-902; revised 8-19-24.)

11 (620 ILCS 50/61) (from Ch. 15 1/2, par. 165)

12 Sec. 61. If the resolution adopted by the county board or
13 by petition, provides for the issuance of revenue bonds or
14 other evidence of indebtedness, the retirement of the
15 principal thereof and the interest thereon, to be accomplished
16 from sources other than direct county taxes, the county board
17 shall issue and sell such amounts of such bonds or other
18 evidences of indebtedness as the Commission shall determine
19 and certify, from time to time as being necessary to provide
20 the means for accomplishing the purposes for which such bonds
21 or other evidences of indebtedness are to be issued as set
22 forth in said resolution. Such bonds or other evidence of
23 indebtedness shall be issued in conformity to the requirements
24 and provisions of the said resolution authorizing such
25 issuance. The principal of such bonds or other evidences of

1 indebtedness shall be discharged within thirty years after the
2 date of the adoption of said resolution. Such bonds or other
3 evidences of indebtedness shall bear interest, payable
4 semi-annually, at a rate not to exceed that permitted in the
5 Bond Authorization Act ~~"An Act to authorize public~~
6 ~~corporations to issue bonds, other evidences of indebtedness~~
7 ~~and tax anticipation warrants subject to interest rate~~
8 ~~limitations set forth therein", approved May 26, 1970, as now~~
9 ~~or hereafter amended.~~ The proceeds from the sale of each issue
10 of bonds shall be deposited in the county treasury and
11 identified as "County Airports Revenue Bond Fund No."
12 Such proceeds shall be used only for the purposes stated in the
13 said resolution and as specified in the certificate of the
14 Commission as in this Section ~~section~~ provided. All such
15 revenue bonds and other evidences of indebtedness shall not,
16 in any event, constitute or be deemed an indebtedness of the
17 county within the meaning of any constitutional provisions or
18 statutory limitations as to debt, and it shall be so stated
19 plainly on the face of each such bond or other evidence of
20 indebtedness.

21 (Source: P.A. 90-655, eff. 7-30-98; revised 8-19-24.)

22 Section 1035. The Illinois Vehicle Code is amended by
23 changing Sections 1-115.01, 3-402, 3-506, 3-699.14, 3-802,
24 3-804, 4-203, 5-102, 6-110, 6-118, 6-209.1, 11-907, and 13-101
25 and by setting forth and renumbering multiple versions of

1 Section 3-699.22 as follows:

2 (625 ILCS 5/1-115.01)

3 Sec. 1-115.01. Detached catalytic converter. "Detached
4 catalytic converter" means a catalytic converter, as defined
5 in Section 1-110.05 of this ~~the~~ Code, that was previously
6 installed on a motor vehicle and subsequently removed.

7 (Source: P.A. 103-677, eff. 1-1-25; revised 10-23-24.)

8 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

9 Sec. 3-402. Vehicles subject to registration; exceptions.

10 A. Exemptions and Policy. Every motor vehicle, trailer,
11 semitrailer and pole trailer when driven or moved upon a
12 highway shall be subject to the registration and certificate
13 of title provisions of this Chapter except:

14 (1) Any such vehicle driven or moved upon a highway in
15 conformance with the provisions of this Chapter relating
16 to manufacturers, transporters, dealers, lienholders or
17 nonresidents or under a temporary registration permit
18 issued by the Secretary of State;

19 (2) Any implement of husbandry whether of a type
20 otherwise subject to registration hereunder or not which
21 is only incidentally operated or moved upon a highway,
22 which shall include a not-for-hire movement for the
23 purpose of delivering farm commodities to a place of first
24 processing or sale, or to a place of storage;

1 (3) Any special mobile equipment as herein defined;

2 (4) Any vehicle which is propelled exclusively by
3 electric power obtained from overhead trolley wires though
4 not operated upon rails;

5 (5) Any vehicle which is equipped and used exclusively
6 as a pumper, ladder truck, rescue vehicle, searchlight
7 truck, or other fire apparatus, but not a vehicle of a type
8 which would otherwise be subject to registration as a
9 vehicle of the first division;

10 (6) Any vehicle which is owned and operated by the
11 federal government and externally displays evidence of
12 federal ownership. It is the policy of the State of
13 Illinois to promote and encourage the fullest use of its
14 highways and to enhance the flow of commerce thus
15 contributing to the economic, agricultural, industrial and
16 social growth and development of this State, by
17 authorizing the Secretary of State to negotiate and enter
18 into reciprocal or proportional agreements or arrangements
19 with other States, or to issue declarations setting forth
20 reciprocal exemptions, benefits and privileges with
21 respect to vehicles operated interstate which are properly
22 registered in this and other States, assuring nevertheless
23 proper registration of vehicles in Illinois as may be
24 required by this Code;

25 (7) Any converter dolly or tow dolly which merely
26 serves as substitute wheels for another legally licensed

1 vehicle. A title may be issued on a voluntary basis to a
2 tow dolly upon receipt of the manufacturer's certificate
3 of origin or the bill of sale;

4 (8) Any house trailer found to be an abandoned mobile
5 home under the Abandoned Mobile Home Act;

6 (9) Any vehicle that is not properly registered or
7 does not have registration plates or digital registration
8 plates issued to the owner or operator affixed thereto, or
9 that does have registration plates or digital registration
10 plates issued to the owner or operator affixed thereto but
11 the plates are not appropriate for the weight of the
12 vehicle, provided that this exemption shall apply only
13 while the vehicle is being transported or operated by a
14 towing service and has a third tow plate affixed to it;

15 (10) Low-speed electric scooters.

16 B. Reciprocity. Any motor vehicle, trailer, semitrailer or
17 pole trailer need not be registered under this Code provided
18 the same is operated interstate and in accordance with the
19 following provisions and any rules and regulations promulgated
20 pursuant thereto:

21 (1) A nonresident owner, except as otherwise provided
22 in this Section, owning any foreign registered vehicle of
23 a type otherwise subject to registration hereunder, may
24 operate or permit the operation of such vehicle within
25 this State in interstate commerce without registering such
26 vehicle in, or paying any fees to, this State subject to

1 the condition that such vehicle at all times when operated
2 in this State is operated pursuant to a reciprocity
3 agreement, arrangement or declaration by this State, and
4 further subject to the condition that such vehicle at all
5 times when operated in this State is duly registered in,
6 and displays upon it, a valid registration card and
7 registration plate or plates or digital registration plate
8 or plates issued for such vehicle in the place of
9 residence of such owner and is issued and maintains in
10 such vehicle a valid Illinois reciprocity permit as
11 required by the Secretary of State, and provided like
12 privileges are afforded to residents of this State by the
13 State of residence of such owner.

14 Every nonresident including any foreign corporation
15 carrying on business within this State and owning and
16 regularly operating in such business any motor vehicle,
17 trailer or semitrailer within this State in intrastate
18 commerce, shall be required to register each such vehicle
19 and pay the same fees therefor as is required with
20 reference to like vehicles owned by residents of this
21 State.

22 (2) Any motor vehicle, trailer, semitrailer and pole
23 trailer operated interstate need not be registered in this
24 State, provided:

25 (a) that the vehicle is properly registered in
26 another State pursuant to law or to a reciprocity

1 agreement, arrangement or declaration; or

2 (b) that such vehicle is part of a fleet of
3 vehicles owned or operated by the same person who
4 registers such fleet of vehicles pro rata among the
5 various States in which such fleet operates; or

6 (c) that such vehicle is part of a fleet of
7 vehicles, a portion of which are registered with the
8 Secretary of State of Illinois in accordance with an
9 agreement or arrangement concurred in by the Secretary
10 of State of Illinois based on one or more of the
11 following factors: ratio of miles in Illinois as
12 against total miles in all jurisdictions; situs or
13 base of a vehicle, or where it is principally garaged,
14 or from whence it is principally dispatched or where
15 the movements of such vehicle usually originate; situs
16 of the residence of the owner or operator thereof, or
17 of his principal office or offices, or of his places of
18 business; the routes traversed and whether regular or
19 irregular routes are traversed, and the jurisdictions
20 traversed and served; and such other factors as may be
21 deemed material by the Secretary and the motor vehicle
22 administrators of the other jurisdictions involved in
23 such apportionment. Such vehicles shall maintain
24 therein any reciprocity permit which may be required
25 by the Secretary of State pursuant to rules and
26 regulations which the Secretary of State may

1 promulgate in the administration of this Code, in the
2 public interest.

3 (3)(a) In order to effectuate the purposes of this
4 Code, the Secretary of State of Illinois is empowered to
5 negotiate and execute written reciprocal agreements or
6 arrangements with the duly authorized representatives of
7 other jurisdictions, including States, districts,
8 territories and possessions of the United States, and
9 foreign states, provinces, or countries, granting to
10 owners or operators of vehicles duly registered or
11 licensed in such other jurisdictions and for which
12 evidence of compliance is supplied, benefits, privileges
13 and exemption from the payment, wholly or partially, of
14 any taxes, fees or other charges imposed with respect to
15 the ownership or operation of such vehicles by the laws of
16 this State except the tax imposed by the Motor Fuel Tax
17 Law, approved March 25, 1929, as amended, and the tax
18 imposed by the Use Tax Act, approved July 14, 1955, as
19 amended.

20 The Secretary of State may negotiate agreements or
21 arrangements as are in the best interests of this State
22 and the residents of this State pursuant to the policies
23 expressed in this Section taking into consideration the
24 reciprocal exemptions, benefits and privileges available
25 and accruing to residents of this State and vehicles
26 registered in this State.

1 (b) Such reciprocal agreements or arrangements shall
2 provide that vehicles duly registered or licensed in this
3 State when operated upon the highways of such other
4 jurisdictions, shall receive exemptions, benefits and
5 privileges of a similar kind or to a similar degree as
6 extended to vehicles from such jurisdictions in this
7 State.

8 (c) Such agreements or arrangements may also authorize
9 the apportionment of registration or licensing of fleets
10 of vehicles operated interstate, based on any or all of
11 the following factors: ratio of miles in Illinois as
12 against total miles in all jurisdictions; situs or base of
13 a vehicle, or where it is principally garaged or from
14 whence it is principally dispatched or where the movements
15 of such vehicle usually originate; situs of the residence
16 of the owner or operator thereof, or of his principal
17 office or offices, or of his places of business; the
18 routes traversed and whether regular or irregular routes
19 are traversed, and the jurisdictions traversed and served;
20 and such other factors as may be deemed material by the
21 Secretary and the motor vehicle administrators of the
22 other jurisdictions involved in such apportionment, and
23 such vehicles shall likewise be entitled to reciprocal
24 exemptions, benefits and privileges.

25 (d) Such agreements or arrangements shall also provide
26 that vehicles being operated in intrastate commerce in

1 Illinois shall comply with the registration and licensing
2 laws of this State, except that vehicles which are part of
3 an apportioned fleet may conduct an intrastate operation
4 incidental to their interstate operations. Any motor
5 vehicle properly registered and qualified under any
6 reciprocal agreement or arrangement under this Code and
7 not having a situs or base within Illinois may complete
8 the inbound movement of a trailer or semitrailer to an
9 Illinois destination that was brought into Illinois by a
10 motor vehicle also properly registered and qualified under
11 this Code and not having a situs or base within Illinois,
12 or may complete an outbound movement of a trailer or
13 semitrailer to an out-of-state destination that was
14 originated in Illinois by a motor vehicle also properly
15 registered and qualified under this Code and not having a
16 situs or base in Illinois, only if the operator thereof
17 did not break bulk of the cargo laden in such inbound or
18 outbound trailer or semitrailer. Adding or unloading
19 intrastate cargo on such inbound or outbound trailer or
20 semitrailer shall be deemed as breaking bulk.

21 (e) Such agreements or arrangements may also provide
22 for the determination of the proper State in which leased
23 vehicles shall be registered based on the factors set out
24 in subsection (c) above and for apportionment of
25 registration of fleets of leased vehicles by the lessee or
26 by the lessor who leases such vehicles to persons who are

1 not fleet operators.

2 (f) Such agreements or arrangements may also include
3 reciprocal exemptions, benefits or privileges accruing
4 under The Illinois Driver Licensing Law or The Driver
5 License Compact.

6 (4) The Secretary of State is further authorized to
7 examine the laws and requirements of other jurisdictions,
8 and, in the absence of a written agreement or arrangement,
9 to issue a written declaration of the extent and nature of
10 the exemptions, benefits and privileges accorded to
11 vehicles of this State by such other jurisdictions, and
12 the extent and nature of reciprocal exemptions, benefits
13 and privileges thereby accorded by this State to the
14 vehicles of such other jurisdictions. A declaration by the
15 Secretary of State may include any, part or all reciprocal
16 exemptions, benefits and privileges or provisions as may
17 be included within an agreement or arrangement.

18 (5) All agreements, arrangements, declarations and
19 amendments thereto, shall be in writing and become
20 effective when signed by the Secretary of State, and
21 copies of all such documents shall be available to the
22 public upon request.

23 (6) The Secretary of State is further authorized to
24 require the display by foreign registered trucks,
25 truck-tractors and buses, entitled to reciprocal benefits,
26 exemptions or privileges hereunder, a reciprocity permit

1 for external display before any such reciprocal benefits,
2 exemptions or privileges are granted. The Secretary of
3 State shall provide suitable application forms for such
4 permit and shall promulgate and publish reasonable rules
5 and regulations for the administration and enforcement of
6 the provisions of this Code including a provision for
7 revocation of such permit as to any vehicle operated
8 wilfully in violation of the terms of any reciprocal
9 agreement, arrangement or declaration or in violation of
10 the Illinois Motor Carrier of Property Law, as amended.

11 (7)(a) Upon the suspension, revocation or denial of
12 one or more of all reciprocal benefits, privileges and
13 exemptions existing pursuant to the terms and provisions
14 of this Code or by virtue of a reciprocal agreement or
15 arrangement or declaration thereunder; or, upon the
16 suspension, revocation or denial of a reciprocity permit;
17 or, upon any action or inaction of the Secretary in the
18 administration and enforcement of the provisions of this
19 Code, any person, resident or nonresident, so aggrieved,
20 may serve upon the Secretary, a petition in writing and
21 under oath, setting forth the grievance of the petitioner,
22 the grounds and basis for the relief sought, and all
23 necessary facts and particulars, and request an
24 administrative hearing thereon. Within 20 days, the
25 Secretary shall set a hearing date as early as practical.
26 The Secretary may, in his discretion, supply forms for

1 such a petition. The Secretary may require the payment of
2 a fee of not more than \$50 for the filing of any petition,
3 motion, or request for hearing conducted pursuant to this
4 Section. These fees must be deposited into the Secretary
5 of State DUI Administration Fund, a special fund that is
6 hereby created in the State treasury, and, subject to
7 appropriation and as directed by the Secretary of State,
8 shall be used to fund the operation of the hearings
9 department of the Office of the Secretary of State and for
10 no other purpose. The Secretary shall establish by rule
11 the amount and the procedures, terms, and conditions
12 relating to these fees.

13 (b) The Secretary may likewise, in his discretion and
14 upon his own petition, order a hearing, when in his best
15 judgment, any person is not entitled to the reciprocal
16 benefits, privileges and exemptions existing pursuant to
17 the terms and provisions of this Code or under a
18 reciprocal agreement or arrangement or declaration
19 thereunder or that a vehicle owned or operated by such
20 person is improperly registered or licensed, or that an
21 Illinois resident has improperly registered or licensed a
22 vehicle in another jurisdiction for the purposes of
23 violating or avoiding the registration laws of this State.

24 (c) The Secretary shall notify a petitioner or any
25 other person involved of such a hearing, by giving at
26 least 10 days notice, in writing, by U.S. Mail, Registered

1 or Certified, or by personal service, at the last known
2 address of such petitioner or person, specifying the time
3 and place of such hearing. Such hearing shall be held
4 before the Secretary, or any person as he may designate,
5 and unless the parties mutually agree to some other county
6 in Illinois, the hearing shall be held in the County of
7 Sangamon or the County of Cook. Appropriate records of the
8 hearing shall be kept, and the Secretary shall issue or
9 cause to be issued, his decision on the case, within 30
10 days after the close of such hearing or within 30 days
11 after receipt of the transcript thereof, and a copy shall
12 likewise be served or mailed to the petitioner or person
13 involved.

14 (d) The actions or inactions or determinations, or
15 findings and decisions upon an administrative hearing, of
16 the Secretary, shall be subject to judicial review in the
17 Circuit Court of the County of Sangamon or the County of
18 Cook, and the provisions of the Administrative Review Law,
19 and all amendments and modifications thereof and rules
20 adopted pursuant thereto, apply to and govern all such
21 reviewable matters.

22 Any reciprocal agreements or arrangements entered into
23 by the Secretary of State or any declarations issued by
24 the Secretary of State pursuant to any law in effect prior
25 to the effective date of this Code are not hereby
26 abrogated, and such shall continue in force and effect

1 until amended pursuant to the provisions of this Code or
2 expire pursuant to the terms or provisions thereof.

3 C. Vehicles purchased out-of-state. A resident of this
4 State who purchases a vehicle in another state and transports
5 the vehicle to Illinois shall apply for registration and
6 certificate of title as soon as practicable, but in no event
7 more than 45 days after the purchase of the vehicle. If an
8 Illinois motorist who purchased a vehicle from an out-of-state
9 licensed dealer is unable to meet the 45-day deadline due to a
10 delay in paperwork from the seller, that motorist may obtain
11 an Illinois temporary registration plate with: (i) proof of
12 purchase; (ii) proof of meeting the Illinois driver's license
13 or identification card requirement; and (iii) proof that
14 Illinois title and registration fees have been paid. If fees
15 have not been paid, the motorist may pay the fees in order to
16 obtain the temporary registration plate. The owner of such a
17 vehicle shall display any temporary permit or registration
18 issued in accordance with Section 3-407.

19 (Source: P.A. 103-209, eff. 1-1-24; 103-899, eff. 8-9-24;
20 revised 10-7-24.)

21 (625 ILCS 5/3-506)

22 Sec. 3-506. Transfer of plates to spouses of military
23 service members. Upon the death of a military service member
24 who has been issued a special plate under Section 3-609.1,
25 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638,

1 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669,
2 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698,
3 3-699.12, 3-699.15, 3-699.16, 3-699.17, 3-699.19, 3-699.20, or
4 3-699.25 ~~3-699.22~~ of this Code, the surviving spouse of that
5 service member may retain the plate so long as that spouse is a
6 resident of Illinois and transfers the registration to his or
7 her name within 180 days of the death of the service member.

8 For the purposes of this Section, "service member" means
9 any individual who is serving or has served in any branch of
10 the United States Armed Forces, including the National Guard
11 or other reserve components of the Armed Forces, and has been
12 issued a special plate listed in this Section.

13 (Source: P.A. 102-154, eff. 1-1-22; 103-660, eff. 1-1-25;
14 revised 9-25-24.)

15 (625 ILCS 5/3-699.14)

16 Sec. 3-699.14. Universal special license plates.

17 (a) In addition to any other special license plate, the
18 Secretary, upon receipt of all applicable fees and
19 applications made in the form prescribed by the Secretary, may
20 issue Universal special license plates to residents of
21 Illinois on behalf of organizations that have been authorized
22 by the General Assembly to issue decals for Universal special
23 license plates. Appropriate documentation, as determined by
24 the Secretary, shall accompany each application. Authorized
25 organizations shall be designated by amendment to this

1 Section. When applying for a Universal special license plate
2 the applicant shall inform the Secretary of the name of the
3 authorized organization from which the applicant will obtain a
4 decal to place on the plate. The Secretary shall make a record
5 of that organization and that organization shall remain
6 affiliated with that plate until the plate is surrendered,
7 revoked, or otherwise cancelled. The authorized organization
8 may charge a fee to offset the cost of producing and
9 distributing the decal, but that fee shall be retained by the
10 authorized organization and shall be separate and distinct
11 from any registration fees charged by the Secretary. No decal,
12 sticker, or other material may be affixed to a Universal
13 special license plate other than a decal authorized by the
14 General Assembly in this Section or a registration renewal
15 sticker. The special plates issued under this Section shall be
16 affixed only to passenger vehicles of the first division,
17 including motorcycles and autocycles, or motor vehicles of the
18 second division weighing not more than 8,000 pounds. Plates
19 issued under this Section shall expire according to the
20 multi-year procedure under Section 3-414.1 of this Code.

21 (b) The design, color, and format of the Universal special
22 license plate shall be wholly within the discretion of the
23 Secretary. Universal special license plates are not required
24 to designate "Land of Lincoln", as prescribed in subsection
25 (b) of Section 3-412 of this Code. The design shall allow for
26 the application of a decal to the plate. Organizations

1 authorized by the General Assembly to issue decals for
2 Universal special license plates shall comply with rules
3 adopted by the Secretary governing the requirements for and
4 approval of Universal special license plate decals. The
5 Secretary may, in his or her discretion, allow Universal
6 special license plates to be issued as vanity or personalized
7 plates in accordance with Section 3-405.1 of this Code. The
8 Secretary of State must make a version of the special
9 registration plates authorized under this Section in a form
10 appropriate for motorcycles and autocycles.

11 (c) When authorizing a Universal special license plate,
12 the General Assembly shall set forth whether an additional fee
13 is to be charged for the plate and, if a fee is to be charged,
14 the amount of the fee and how the fee is to be distributed.
15 When necessary, the authorizing language shall create a
16 special fund in the State treasury into which fees may be
17 deposited for an authorized Universal special license plate.
18 Additional fees may only be charged if the fee is to be paid
19 over to a State agency or to a charitable entity that is in
20 compliance with the registration and reporting requirements of
21 the Charitable Trust Act and the Solicitation for Charity Act.
22 Any charitable entity receiving fees for the sale of Universal
23 special license plates shall annually provide the Secretary of
24 State a letter of compliance issued by the Attorney General
25 verifying that the entity is in compliance with the Charitable
26 Trust Act and the Solicitation for Charity Act.

1 (d) Upon original issuance and for each registration
2 renewal period, in addition to the appropriate registration
3 fee, if applicable, the Secretary shall collect any additional
4 fees, if required, for issuance of Universal special license
5 plates. The fees shall be collected on behalf of the
6 organization designated by the applicant when applying for the
7 plate. All fees collected shall be transferred to the State
8 agency on whose behalf the fees were collected, or paid into
9 the special fund designated in the law authorizing the
10 organization to issue decals for Universal special license
11 plates. All money in the designated fund shall be distributed
12 by the Secretary subject to appropriation by the General
13 Assembly.

14 (e) The following organizations may issue decals for
15 Universal special license plates with the original and renewal
16 fees and fee distribution as follows:

17 (1) The Illinois Department of Natural Resources.

18 (A) Original issuance: \$25; with \$10 to the
19 Roadside Monarch Habitat Fund and \$15 to the Secretary
20 of State Special License Plate Fund.

21 (B) Renewal: \$25; with \$23 to the Roadside Monarch
22 Habitat Fund and \$2 to the Secretary of State Special
23 License Plate Fund.

24 (2) Illinois Veterans' Homes.

25 (A) Original issuance: \$26, which shall be
26 deposited into the Illinois Veterans' Homes Fund.

1 (B) Renewal: \$26, which shall be deposited into
2 the Illinois Veterans' Homes Fund.

3 (3) The Illinois Department of Human Services for
4 volunteerism decals.

5 (A) Original issuance: \$25, which shall be
6 deposited into the Secretary of State Special License
7 Plate Fund.

8 (B) Renewal: \$25, which shall be deposited into
9 the Secretary of State Special License Plate Fund.

10 (4) The Illinois Department of Public Health.

11 (A) Original issuance: \$25; with \$10 to the
12 Prostate Cancer Awareness Fund and \$15 to the
13 Secretary of State Special License Plate Fund.

14 (B) Renewal: \$25; with \$23 to the Prostate Cancer
15 Awareness Fund and \$2 to the Secretary of State
16 Special License Plate Fund.

17 (5) Horsemen's Council of Illinois.

18 (A) Original issuance: \$25; with \$10 to the
19 Horsemen's Council of Illinois Fund and \$15 to the
20 Secretary of State Special License Plate Fund.

21 (B) Renewal: \$25; with \$23 to the Horsemen's
22 Council of Illinois Fund and \$2 to the Secretary of
23 State Special License Plate Fund.

24 (6) K9s for Veterans, NFP.

25 (A) Original issuance: \$25; with \$10 to the
26 Post-Traumatic Stress Disorder Awareness Fund and \$15

1 to the Secretary of State Special License Plate Fund.

2 (B) Renewal: \$25; with \$23 to the Post-Traumatic
3 Stress Disorder Awareness Fund and \$2 to the Secretary
4 of State Special License Plate Fund.

5 (7) The International Association of Machinists and
6 Aerospace Workers.

7 (A) Original issuance: \$35; with \$20 to the Guide
8 Dogs of America Fund and \$15 to the Secretary of State
9 Special License Plate Fund.

10 (B) Renewal: \$25; with \$23 going to the Guide Dogs
11 of America Fund and \$2 to the Secretary of State
12 Special License Plate Fund.

13 (8) Local Lodge 701 of the International Association
14 of Machinists and Aerospace Workers.

15 (A) Original issuance: \$35; with \$10 to the Guide
16 Dogs of America Fund, \$10 to the Mechanics Training
17 Fund, and \$15 to the Secretary of State Special
18 License Plate Fund.

19 (B) Renewal: \$30; with \$13 to the Guide Dogs of
20 America Fund, \$15 to the Mechanics Training Fund, and
21 \$2 to the Secretary of State Special License Plate
22 Fund.

23 (9) Illinois Department of Human Services.

24 (A) Original issuance: \$25; with \$10 to the
25 Theresa Tracy Trot - Illinois CancerCare Foundation
26 Fund and \$15 to the Secretary of State Special License

1 Plate Fund.

2 (B) Renewal: \$25; with \$23 to the Theresa Tracy
3 Trot - Illinois CancerCare Foundation Fund and \$2 to
4 the Secretary of State Special License Plate Fund.

5 (10) The Illinois Department of Human Services for
6 developmental disabilities awareness decals.

7 (A) Original issuance: \$25; with \$10 to the
8 Developmental Disabilities Awareness Fund and \$15 to
9 the Secretary of State Special License Plate Fund.

10 (B) Renewal: \$25; with \$23 to the Developmental
11 Disabilities Awareness Fund and \$2 to the Secretary of
12 State Special License Plate Fund.

13 (11) The Illinois Department of Human Services for
14 pediatric cancer awareness decals.

15 (A) Original issuance: \$25; with \$10 to the
16 Pediatric Cancer Awareness Fund and \$15 to the
17 Secretary of State Special License Plate Fund.

18 (B) Renewal: \$25; with \$23 to the Pediatric Cancer
19 Awareness Fund and \$2 to the Secretary of State
20 Special License Plate Fund.

21 (12) The Department of Veterans' Affairs for Fold of
22 Honor decals.

23 (A) Original issuance: \$25; with \$10 to the Folds
24 of Honor Foundation Fund and \$15 to the Secretary of
25 State Special License Plate Fund.

26 (B) Renewal: \$25; with \$23 to the Folds of Honor

1 Foundation Fund and \$2 to the Secretary of State
2 Special License Plate Fund.

3 (13) The Illinois chapters of the Experimental
4 Aircraft Association for aviation enthusiast decals.

5 (A) Original issuance: \$25; with \$10 to the
6 Experimental Aircraft Association Fund and \$15 to the
7 Secretary of State Special License Plate Fund.

8 (B) Renewal: \$25; with \$23 to the Experimental
9 Aircraft Association Fund and \$2 to the Secretary of
10 State Special License Plate Fund.

11 (14) The Illinois Department of Human Services for
12 Child Abuse Council of the Quad Cities decals.

13 (A) Original issuance: \$25; with \$10 to the Child
14 Abuse Council of the Quad Cities Fund and \$15 to the
15 Secretary of State Special License Plate Fund.

16 (B) Renewal: \$25; with \$23 to the Child Abuse
17 Council of the Quad Cities Fund and \$2 to the Secretary
18 of State Special License Plate Fund.

19 (15) The Illinois Department of Public Health for
20 health care worker decals.

21 (A) Original issuance: \$25; with \$10 to the
22 Illinois Health Care Workers Benefit Fund, and \$15 to
23 the Secretary of State Special License Plate Fund.

24 (B) Renewal: \$25; with \$23 to the Illinois Health
25 Care Workers Benefit Fund and \$2 to the Secretary of
26 State Special License Plate Fund.

1 (16) The Department of Agriculture for Future Farmers
2 of America decals.

3 (A) Original issuance: \$25; with \$10 to the Future
4 Farmers of America Fund and \$15 to the Secretary of
5 State Special License Plate Fund.

6 (B) Renewal: \$25; with \$23 to the Future Farmers
7 of America Fund and \$2 to the Secretary of State
8 Special License Plate Fund.

9 (17) The Illinois Department of Public Health for
10 autism awareness decals that are designed with input from
11 autism advocacy organizations.

12 (A) Original issuance: \$25; with \$10 to the Autism
13 Awareness Fund and \$15 to the Secretary of State
14 Special License Plate Fund.

15 (B) Renewal: \$25; with \$23 to the Autism Awareness
16 Fund and \$2 to the Secretary of State Special License
17 Plate Fund.

18 (18) The Department of Natural Resources for Lyme
19 disease research decals.

20 (A) Original issuance: \$25; with \$10 to the Tick
21 Research, Education, and Evaluation Fund and \$15 to
22 the Secretary of State Special License Plate Fund.

23 (B) Renewal: \$25; with \$23 to the Tick Research,
24 Education, and Evaluation Fund and \$2 to the Secretary
25 of State Special License Plate Fund.

26 (19) The IBEW Thank a Line Worker decal.

1 (A) Original issuance: \$15, which shall be
2 deposited into the Secretary of State Special License
3 Plate Fund.

4 (B) Renewal: \$2, which shall be deposited into the
5 Secretary of State Special License Plate Fund.

6 (20) An Illinois chapter of the Navy Club for Navy
7 Club decals.

8 (A) Original issuance: \$5; which shall be
9 deposited into the Navy Club Fund.

10 (B) Renewal: \$18; which shall be deposited into
11 the Navy Club Fund.

12 (21) ~~(20)~~ An Illinois chapter of the International
13 Brotherhood of Electrical Workers for International
14 Brotherhood of Electrical Workers decal.

15 (A) Original issuance: \$25; with \$10 to the
16 International Brotherhood of Electrical Workers Fund
17 and \$15 to the Secretary of State Special License
18 Plate Fund.

19 (B) Renewal: \$25; with \$23 to the International
20 Brotherhood of Electrical Workers Fund and \$2 to the
21 Secretary of State Special License Plate Fund.

22 (22) ~~(20)~~ The 100 Club of Illinois decal.

23 (A) Original issuance: \$45; with \$30 to the 100
24 Club of Illinois Fund and \$15 to the Secretary of State
25 Special License Plate Fund.

26 (B) Renewal: \$27; with \$25 to the 100 Club of

1 Illinois Fund and \$2 to the Secretary of State Special
2 License Plate Fund.

3 (23) ~~(20)~~ The Illinois USTA/Midwest Youth Tennis
4 Foundation decal.

5 (A) Original issuance: \$40; with \$25 to the
6 Illinois USTA/Midwest Youth Tennis Foundation Fund and
7 \$15 to the Secretary of State Special License Plate
8 Fund.

9 (B) Renewal: \$40; with \$38 to the Illinois
10 USTA/Midwest Youth Tennis Foundation Fund and \$2 to
11 the Secretary of State Special License Plate Fund.

12 (24) ~~(20)~~ The Sons of the American Legion decal.

13 (A) Original issuance: \$25; with \$10 to the Sons
14 of the American Legion Fund and \$15 to the Secretary of
15 State Special License Plate Fund.

16 (B) Renewal: \$25; with \$23 to the Sons of the
17 American Legion Fund and \$2 to the Secretary of State
18 Special License Plate Fund.

19 (f) The following funds are created as special funds in
20 the State treasury:

21 (1) The Roadside Monarch Habitat Fund. All money in
22 the Roadside Monarch Habitat Fund shall be paid as grants
23 to the Illinois Department of Natural Resources to fund
24 roadside monarch and other pollinator habitat development,
25 enhancement, and restoration projects in this State.

26 (2) The Prostate Cancer Awareness Fund. All money in

1 the Prostate Cancer Awareness Fund shall be paid as grants
2 to the Prostate Cancer Foundation of Chicago.

3 (3) The Horsemen's Council of Illinois Fund. All money
4 in the Horsemen's Council of Illinois Fund shall be paid
5 as grants to the Horsemen's Council of Illinois.

6 (4) The Post-Traumatic Stress Disorder Awareness Fund.
7 All money in the Post-Traumatic Stress Disorder Awareness
8 Fund shall be paid as grants to K9s for Veterans, NFP for
9 support, education, and awareness of veterans with
10 post-traumatic stress disorder.

11 (5) The Guide Dogs of America Fund. All money in the
12 Guide Dogs of America Fund shall be paid as grants to the
13 International Guiding Eyes, Inc., doing business as Guide
14 Dogs of America.

15 (6) The Mechanics Training Fund. All money in the
16 Mechanics Training Fund shall be paid as grants to the
17 Mechanics Local 701 Training Fund.

18 (7) The Theresa Tracy Trot - Illinois CancerCare
19 Foundation Fund. All money in the Theresa Tracy Trot -
20 Illinois CancerCare Foundation Fund shall be paid to the
21 Illinois CancerCare Foundation for the purpose of
22 furthering pancreatic cancer research.

23 (8) The Developmental Disabilities Awareness Fund. All
24 money in the Developmental Disabilities Awareness Fund
25 shall be paid as grants to the Illinois Department of
26 Human Services to fund legal aid groups to assist with

1 guardianship fees for private citizens willing to become
2 guardians for individuals with developmental disabilities
3 but who are unable to pay the legal fees associated with
4 becoming a guardian.

5 (9) The Pediatric Cancer Awareness Fund. All money in
6 the Pediatric Cancer Awareness Fund shall be paid as
7 grants to the Cancer Center at Illinois for pediatric
8 cancer treatment and research.

9 (10) The Folds of Honor Foundation Fund. All money in
10 the Folds of Honor Foundation Fund shall be paid as grants
11 to the Folds of Honor Foundation to aid in providing
12 educational scholarships to military families.

13 (11) The Experimental Aircraft Association Fund. All
14 money in the Experimental Aircraft Association Fund shall
15 be paid, subject to appropriation by the General Assembly
16 and distribution by the Secretary, as grants to promote
17 recreational aviation.

18 (12) The Child Abuse Council of the Quad Cities Fund.
19 All money in the Child Abuse Council of the Quad Cities
20 Fund shall be paid as grants to benefit the Child Abuse
21 Council of the Quad Cities.

22 (13) The Illinois Health Care Workers Benefit Fund.
23 All money in the Illinois Health Care Workers Benefit Fund
24 shall be paid as grants to the Trinity Health Foundation
25 for the benefit of health care workers, doctors, nurses,
26 and others who work in the health care industry in this

1 State.

2 (14) The Future Farmers of America Fund. All money in
3 the Future Farmers of America Fund shall be paid as grants
4 to the Illinois Association of Future Farmers of America.

5 (15) The Tick Research, Education, and Evaluation
6 Fund. All money in the Tick Research, Education, and
7 Evaluation Fund shall be paid as grants to the Illinois
8 Lyme Association.

9 (16) The Navy Club Fund. All money in the Navy Club
10 Fund shall be paid as grants to any local chapter of the
11 Navy Club that is located in this State.

12 (17) ~~(16)~~ The International Brotherhood of Electrical
13 Workers Fund. All money in the International Brotherhood
14 of Electrical Workers Fund shall be paid as grants to any
15 local chapter of the International Brotherhood of
16 Electrical Workers that is located in this State.

17 (18) ~~(16)~~ The 100 Club of Illinois Fund. All money in
18 the 100 Club of Illinois Fund shall be paid as grants to
19 the 100 Club of Illinois for the purpose of giving
20 financial support to children and spouses of first
21 responders killed in the line of duty and mental health
22 resources for active duty first responders.

23 (19) ~~(16)~~ The Illinois USTA/Midwest Youth Tennis
24 Foundation Fund. All money in the Illinois USTA/Midwest
25 Youth Tennis Foundation Fund shall be paid as grants to
26 Illinois USTA/Midwest Youth Tennis Foundation to aid

1 USTA/Midwest districts in the State with exposing youth to
2 the game of tennis.

3 (20) ~~(16)~~ The Sons of the American Legion Fund. All
4 money in the Sons of the American Legion Fund shall be paid
5 as grants to the Illinois Detachment of the Sons of the
6 American Legion.

7 (Source: P.A. 102-383, eff. 1-1-22; 102-422, eff. 8-20-21;
8 102-423, eff. 8-20-21; 102-515, eff. 1-1-22; 102-558, eff.
9 8-20-21; 102-809, eff. 1-1-23; 102-813, eff. 5-13-22; 103-112,
10 eff. 1-1-24; 103-163, eff. 1-1-24; 103-349, eff. 1-1-24;
11 103-605, eff. 7-1-24; 103-664, eff. 1-1-25; 103-665, eff.
12 1-1-25; 103-855, eff. 1-1-25; 103-911, eff. 1-1-25; 103-933,
13 eff. 1-1-25; revised 11-26-24.)

14 (625 ILCS 5/3-699.22)

15 Sec. 3-699.22. United States Submarine Veterans plates.

16 (a) The Secretary of State, upon receipt of all applicable
17 fees and applications made in the form prescribed by the
18 Secretary, may issue special registration plates designated as
19 United States Submarine Veterans plates to each resident of
20 this State who served in the United States Navy as a
21 submariner. The special plates issued under this Section shall
22 be affixed only to passenger vehicles of the first division,
23 motorcycles, and motor vehicles of the second division
24 weighing not more than 8,000 pounds. Plates under this Section
25 shall expire according to the multi-year procedure established

1 by Section 3-414.1.

2 (b) The plates shall display the United States Submarine
3 Veterans logo and the phrase "Silent Service". In all other
4 respects, the design and color of the special plates shall be
5 wholly within the discretion of the Secretary. Appropriate
6 documentation, as determined by the Secretary, shall accompany
7 each application. The Secretary, in the Secretary's
8 discretion, may allow the plates to be issued as vanity plates
9 or personalized in accordance with Section 3-405.1. The plates
10 are not required to designate "Land of Lincoln", as prescribed
11 in subsection (b) of Section 3-412. The Secretary shall
12 prescribe the eligibility requirements and, in his or her
13 discretion, shall approve and prescribe stickers or decals as
14 provided under Section 3-412.

15 (Source: P.A. 103-130, eff. 1-1-24.)

16 (625 ILCS 5/3-699.25)

17 Sec. 3-699.25 ~~3-699.22~~. Air Force Combat Action Medal
18 license plates.

19 (a) In addition to any other special license plate, the
20 Secretary, upon receipt of all applicable fees and
21 applications made in the form prescribed by the Secretary of
22 State, may issue Air Force Combat Action Medal license plates
23 to residents of this State who have been awarded the Air Force
24 Combat Action Medal. The special Air Force Combat Action Medal
25 plate issued under this Section shall be affixed only to

1 passenger vehicles of the first division, motorcycles, and
2 motor vehicles of the second division weighing not more than
3 8,000 pounds. Plates issued under this Section shall expire
4 according to the staggered multi-year procedure established by
5 Section 3-414.1.

6 (b) The plates shall display the Air Force Combat Action
7 Medal. In all other respects, the design, color, and format of
8 the special plates shall be wholly within the discretion of
9 the Secretary. The Secretary may, in the Secretary's own
10 discretion, allow the plates to be issued as vanity plates or
11 personalized in accordance with Section 3-405.1 of this Code.
12 The plates are not required to designate "Land of Lincoln", as
13 prescribed in subsection (b) of Section 3-412. The Secretary
14 shall prescribe the eligibility requirements and, in the
15 Secretary's own discretion, shall approve and prescribe
16 stickers or decals as provided under Section 3-412.

17 (Source: P.A. 103-660, eff. 1-1-25; revised 12-3-24.)

18 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

19 Sec. 3-802. Reclassifications and upgrades.

20 (a) Definitions. For the purposes of this Section, the
21 following words shall have the meanings ascribed to them as
22 follows:

23 "Reclassification" means changing the registration of
24 a vehicle from one plate category to another.

25 "Upgrade" means increasing the registered weight of a

1 vehicle within the same plate category.

2 (b) When reclassing the registration of a vehicle from one
3 plate category to another, the owner shall receive credit for
4 the unused portion of the present plate and be charged the
5 current portion fees for the new plate. In addition, the
6 appropriate replacement plate and replacement sticker fees
7 shall be assessed.

8 (b-5) Any individual who has a registration issued under
9 either Section 3-405 or 3-405.1 that qualifies for a special
10 license plate under Section 3-609, 3-609.1, 3-620, 3-621,
11 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
12 3-647, 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676,
13 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698,
14 3-699.12, 3-699.15, 3-699.16, 3-699.17, 3-699.19, 3-699.20, or
15 3-699.25 ~~3-699.22~~ may reclass his or her registration upon
16 acquiring a special license plate listed in this subsection
17 (b-5) without a replacement plate or digital plate fee or
18 registration sticker or digital registration sticker cost.

19 (b-10) Any individual who has a special license plate
20 issued under Section 3-609, 3-609.1, 3-620, 3-621, 3-622,
21 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,
22 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677,
23 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12,
24 3-699.17, or 3-699.25 ~~3-699.22~~ may reclass his or her special
25 license plate upon acquiring a new registration under Section
26 3-405 or 3-405.1 without a replacement plate or digital plate

1 fee or registration sticker or digital registration sticker
2 cost.

3 (c) When upgrading the weight of a registration within the
4 same plate category, the owner shall pay the difference in
5 current period fees between the 2 plates. In addition, the
6 appropriate replacement plate and replacement sticker fees
7 shall be assessed. In the event new plates are not required,
8 the corrected registration card fee shall be assessed.

9 (d) In the event the owner of the vehicle desires to change
10 the registered weight and change the plate category, the owner
11 shall receive credit for the unused portion of the
12 registration fee of the current plate and pay the current
13 portion of the registration fee for the new plate, and in
14 addition, pay the appropriate replacement plate and
15 replacement sticker fees.

16 (e) Reclassing from one plate category to another plate
17 category can be done only once within any registration period.

18 (f) No refunds shall be made in any of the circumstances
19 found in subsection (b), subsection (c), or subsection (d);
20 however, when reclassing from a flat weight plate to an
21 apportioned plate, a refund may be issued if the credit
22 amounts to an overpayment.

23 (g) In the event the registration of a vehicle registered
24 under the mileage tax option is revoked, the owner shall be
25 required to pay the annual registration fee in the new plate
26 category and shall not receive any credit for the mileage

1 plate fees.

2 (h) Certain special interest plates may be displayed on
3 first division vehicles, second division vehicles weighing
4 8,000 pounds or less, and recreational vehicles. Those plates
5 can be transferred within those vehicle groups.

6 (i) Plates displayed on second division vehicles weighing
7 8,000 pounds or less and passenger vehicle plates may be
8 reclassified from one division to the other.

9 (j) Other than in subsection (i), reclassing from one
10 division to the other division is prohibited. In addition, a
11 reclass from a motor vehicle to a trailer or a trailer to a
12 motor vehicle is prohibited.

13 (Source: P.A. 102-154, eff. 1-1-22; 102-558, eff. 8-20-21;
14 103-660, eff. 1-1-25; revised 11-25-24.)

15 (625 ILCS 5/3-804) (from Ch. 95 1/2, par. 3-804)

16 Sec. 3-804. Antique vehicles.

17 (a) The owner of an antique vehicle may register such
18 vehicle for a fee not to exceed \$13 for a 2-year antique plate.
19 The application for registration must be accompanied by an
20 affirmation of the owner that such vehicle will be driven on
21 the highway only for the purpose of going to and returning from
22 an antique auto show or an exhibition, or for servicing or
23 demonstration and also affirming that the mechanical
24 condition, physical condition, brakes, lights, glass, and
25 appearance of such vehicle is the same or as safe as originally

1 equipped. The Secretary may, in his discretion, prescribe that
2 antique vehicle plates be issued for a definite or an
3 indefinite term, such term to correspond to the term of
4 registration plates issued generally, as provided in Section
5 3-414.1. In no event may the registration fee for antique
6 vehicles exceed \$6 per registration year. Any person
7 requesting antique plates under this Section may also apply to
8 have vanity or personalized plates as provided under Section
9 3-405.1.

10 (b) Any person who is the registered owner of an antique
11 vehicle may display a historical Illinois-issued license plate
12 that represents the model year of the vehicle, furnished by
13 such person, in lieu of the current and valid Illinois antique
14 vehicle plates issued thereto, provided that valid and current
15 Illinois antique vehicle plates and registration card issued
16 to such antique vehicle are simultaneously carried within such
17 vehicle and are available for inspection.

18 (Source: P.A. 103-706, eff. 1-1-25; revised 10-24-24.)

19 (625 ILCS 5/4-203)

20 Sec. 4-203. Removal of motor vehicles or other vehicles;
21 towing or hauling away.

22 (a) When a vehicle is abandoned, or left unattended, on a
23 toll highway, interstate highway, or expressway for 2 hours or
24 more, its removal by a towing service may be authorized by a
25 law enforcement agency having jurisdiction.

1 (b) When a vehicle is abandoned on a highway in an urban
2 district for 10 hours or more, its removal by a towing service
3 may be authorized by a law enforcement agency having
4 jurisdiction.

5 (c) When a vehicle is abandoned or left unattended on a
6 highway other than a toll highway, interstate highway, or
7 expressway, outside of an urban district for 24 hours or more,
8 its removal by a towing service may be authorized by a law
9 enforcement agency having jurisdiction.

10 (d) When an abandoned, unattended, wrecked, burned, or
11 partially dismantled vehicle is creating a traffic hazard
12 because of its position in relation to the highway or its
13 physical appearance is causing the impeding of traffic, its
14 immediate removal from the highway or private property
15 adjacent to the highway by a towing service may be authorized
16 by a law enforcement agency having jurisdiction.

17 (e) Whenever a peace officer reasonably believes that a
18 person under arrest for a violation of Section 11-501 of this
19 Code or a similar provision of a local ordinance is likely,
20 upon release, to commit a subsequent violation of Section
21 11-501, or a similar provision of a local ordinance, the
22 arresting officer shall have the vehicle which the person was
23 operating at the time of the arrest impounded for a period of
24 12 hours after the time of arrest. However, such vehicle may be
25 released by the arresting law enforcement agency prior to the
26 end of the impoundment period if:

1 (1) the vehicle was not owned by the person under
2 arrest, and the lawful owner requesting such release
3 possesses a valid operator's license, proof of ownership,
4 and would not, as determined by the arresting law
5 enforcement agency, indicate a lack of ability to operate
6 a motor vehicle in a safe manner, or who would otherwise,
7 by operating such motor vehicle, be in violation of this
8 Code; or

9 (2) the vehicle is owned by the person under arrest,
10 and the person under arrest gives permission to another
11 person to operate such vehicle, provided however, that the
12 other person possesses a valid operator's license and
13 would not, as determined by the arresting law enforcement
14 agency, indicate a lack of ability to operate a motor
15 vehicle in a safe manner or who would otherwise, by
16 operating such motor vehicle, be in violation of this
17 Code.

18 (e-5) Whenever a registered owner of a vehicle is taken
19 into custody for operating the vehicle in violation of Section
20 11-501 of this Code or a similar provision of a local ordinance
21 or Section 6-303 of this Code, a law enforcement officer may
22 have the vehicle immediately impounded for a period not less
23 than:

24 (1) 24 hours for a second violation of Section 11-501
25 of this Code or a similar provision of a local ordinance or
26 Section 6-303 of this Code or a combination of these

1 offenses; or

2 (2) 48 hours for a third violation of Section 11-501
3 of this Code or a similar provision of a local ordinance or
4 Section 6-303 of this Code or a combination of these
5 offenses.

6 The vehicle may be released sooner if the vehicle is owned
7 by the person under arrest and the person under arrest gives
8 permission to another person to operate the vehicle and that
9 other person possesses a valid operator's license and would
10 not, as determined by the arresting law enforcement agency,
11 indicate a lack of ability to operate a motor vehicle in a safe
12 manner or would otherwise, by operating the motor vehicle, be
13 in violation of this Code.

14 (f) Except as provided in Chapter 18a of this Code, the
15 owner or lessor of privately owned real property within this
16 State, or any person authorized by such owner or lessor, or any
17 law enforcement agency in the case of publicly owned real
18 property may cause any motor vehicle abandoned or left
19 unattended upon such property without permission to be removed
20 by a towing service without liability for the costs of
21 removal, transportation, ~~or~~ storage, or damage caused by such
22 removal, transportation, or storage. The towing or removal of
23 any vehicle from private property without the consent of the
24 registered owner or other legally authorized person in control
25 of the vehicle is subject to compliance with the following
26 conditions and restrictions:

1 1. Any towed or removed vehicle must be stored at the
2 site of the towing service's place of business. The site
3 must be open during business hours, and for the purpose of
4 redemption of vehicles, during the time that the person or
5 firm towing such vehicle is open for towing purposes.

6 2. The towing service shall within 30 minutes of
7 completion of such towing or removal, notify the law
8 enforcement agency having jurisdiction of such towing or
9 removal, and the make, model, color, and license plate
10 number of the vehicle, and shall obtain and record the
11 name of the person at the law enforcement agency to whom
12 such information was reported.

13 3. If the registered owner or legally authorized
14 person entitled to possession of the vehicle shall arrive
15 at the scene prior to actual removal or towing of the
16 vehicle, the vehicle shall be disconnected from the tow
17 truck and that person shall be allowed to remove the
18 vehicle without interference, upon the payment of a
19 reasonable service fee of not more than one-half the
20 posted rate of the towing service as provided in paragraph
21 6 of this subsection, for which a receipt shall be given.

22 4. The rebate or payment of money or any other
23 valuable consideration from the towing service or its
24 owners, managers, or employees to the owners or operators
25 of the premises from which the vehicles are towed or
26 removed, for the privilege of removing or towing those

1 vehicles, is prohibited. Any individual who violates this
2 paragraph shall be guilty of a Class A misdemeanor.

3 5. Except for property appurtenant to and obviously a
4 part of a single family residence, and except for
5 instances where notice is personally given to the owner or
6 other legally authorized person in control of the vehicle
7 that the area in which that vehicle is parked is reserved
8 or otherwise unavailable to unauthorized vehicles and they
9 are subject to being removed at the owner or operator's
10 expense, any property owner or lessor, prior to towing or
11 removing any vehicle from private property without the
12 consent of the owner or other legally authorized person in
13 control of that vehicle, must post a notice meeting the
14 following requirements:

15 a. Except as otherwise provided in subparagraph
16 a.1 of this paragraph 5 of this subsection ~~subdivision~~
17 ~~(f)5~~, the notice must be prominently placed at each
18 driveway access or curb cut allowing vehicular access
19 to the property within 5 feet from the public
20 right-of-way line. If there are no curbs or access
21 barriers, the sign must be posted not less than one
22 sign each 100 feet of lot frontage.

23 a.1. In a municipality with a population of less
24 than 250,000, as an alternative to the requirement of
25 subparagraph a of this paragraph 5 of this subsection
26 ~~subdivision~~ ~~(f)5~~, the notice for a parking lot

1 contained within property used solely for a 2-family,
2 3-family, or 4-family residence may be prominently
3 placed at the perimeter of the parking lot, in a
4 position where the notice is visible to the occupants
5 of vehicles entering the lot.

6 b. The notice must indicate clearly, in not less
7 than 2 inch high light-reflective letters on a
8 contrasting background, that unauthorized vehicles
9 will be towed away at the owner's expense.

10 c. The notice must also provide the name and
11 current telephone number of the towing service towing
12 or removing the vehicle.

13 d. The sign structure containing the required
14 notices must be permanently installed with the bottom
15 of the sign not less than 4 feet above ground level,
16 and must be continuously maintained on the property
17 for not less than 24 hours prior to the towing or
18 removing of any vehicle.

19 6. Any towing service that tows or removes vehicles
20 and proposes to require the owner, operator, or person in
21 control of the vehicle to pay the costs of towing and
22 storage prior to redemption of the vehicle must file and
23 keep on record with the local law enforcement agency a
24 complete copy of the current rates to be charged for such
25 services, and post at the storage site an identical rate
26 schedule and any written contracts with property owners,

1 lessors, or persons in control of property which authorize
2 them to remove vehicles as provided in this Section. The
3 towing and storage charges, however, shall not exceed the
4 maximum allowed by the Illinois Commerce Commission under
5 Section 18a-200.

6 7. No person shall engage in the removal of vehicles
7 from private property as described in this Section without
8 filing a notice of intent in each community where he
9 intends to do such removal, and such notice shall be filed
10 at least 7 days before commencing such towing.

11 8. No removal of a vehicle from private property shall
12 be done except upon express written instructions of the
13 owners or persons in charge of the private property upon
14 which the vehicle is said to be trespassing.

15 9. Vehicle entry for the purpose of removal shall be
16 allowed with reasonable care on the part of the person or
17 firm towing the vehicle. Such person or firm shall be
18 liable for any damages occasioned to the vehicle if such
19 entry is not in accordance with the standards of
20 reasonable care.

21 9.5. Except as authorized by a law enforcement
22 officer, no towing service shall engage in the removal of
23 a commercial motor vehicle that requires a commercial
24 driver's license to operate by operating the vehicle under
25 its own power on a highway.

26 10. When a vehicle has been towed or removed pursuant

1 to this Section, it must be released to its owner,
2 custodian, agent, or lienholder within one-half hour after
3 requested, if such request is made during business hours.
4 Any vehicle owner, custodian, agent, or lienholder shall
5 have the right to inspect the vehicle before accepting its
6 return, and no release or waiver of any kind which would
7 release the towing service from liability for damages
8 incurred during the towing and storage may be required
9 from any vehicle owner or other legally authorized person
10 as a condition of release of the vehicle. A detailed,
11 signed receipt showing the legal name of the towing
12 service must be given to the person paying towing or
13 storage charges at the time of payment, whether requested
14 or not.

15 This Section shall not apply to law enforcement,
16 firefighting, rescue, ambulance, or other emergency
17 vehicles which are marked as such or to property owned by
18 any governmental entity.

19 When an authorized person improperly causes a motor
20 vehicle to be removed, such person shall be liable to the
21 owner or lessee of the vehicle for the cost of removal,
22 transportation and storage, any damages resulting from the
23 removal, transportation and storage, attorney's fee, and
24 court costs.

25 Any towing or storage charges accrued shall be payable
26 in cash or by cashier's check, certified check, debit

1 card, credit card, or wire transfer, at the option of the
2 party taking possession of the vehicle.

3 11. Towing companies shall also provide insurance
4 coverage for areas where vehicles towed under the
5 provisions of this Chapter will be impounded or otherwise
6 stored, and shall adequately cover loss by fire, theft, or
7 other risks.

8 Any person who fails to comply with the conditions and
9 restrictions of this subsection shall be guilty of a Class C
10 misdemeanor and shall be fined not less than \$100 nor more than
11 \$500.

12 (g)(1) When a vehicle is determined to be a hazardous
13 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
14 Illinois Municipal Code or Section 5-12002.1 of the Counties
15 Code, its removal and impoundment by a towing service may be
16 authorized by a law enforcement agency with appropriate
17 jurisdiction.

18 (2) When a vehicle removal from either public or private
19 property is authorized by a law enforcement agency, the owner
20 of the vehicle shall be responsible for all towing and storage
21 charges.

22 (3) Vehicles removed from public or private property and
23 stored by a commercial vehicle relocater or any other towing
24 service authorized by a law enforcement agency in compliance
25 with this Section and Sections 4-201 and 4-202 of this Code, or
26 at the request of the vehicle owner or operator, shall be

1 subject to a possessor lien for services pursuant to the Labor
2 and Storage Lien (Small Amount) Act. The provisions of Section
3 1 of that Act relating to notice and implied consent shall be
4 deemed satisfied by compliance with Section 18a-302 and
5 subsection (6) of Section 18a-300. In no event shall such lien
6 be greater than the rate or rates established in accordance
7 with subsection (6) of Section 18a-200 of this Code. In no
8 event shall such lien be increased or altered to reflect any
9 charge for services or materials rendered in addition to those
10 authorized by this Code. Every such lien shall be payable in
11 cash or by cashier's check, certified check, debit card,
12 credit card, or wire transfer, at the option of the party
13 taking possession of the vehicle.

14 (4) Any personal property belonging to the vehicle owner
15 in a vehicle subject to a lien under this subsection (g) shall
16 likewise be subject to that lien, excepting only: child
17 restraint systems as defined in Section 4 of the Child
18 Passenger Protection Act and other child booster seats;
19 eyeglasses; food; medicine; personal medical and health care
20 devices, including hearing instruments; perishable property;
21 any operator's licenses; any cash, credit cards, or checks or
22 checkbooks; any wallet, purse, or other property containing
23 any operator's licenses, social security cards, or other
24 identifying documents or materials, cash, credit cards,
25 checks, checkbooks, or passbooks; higher education textbooks
26 and study materials; and any personal property belonging to a

1 person other than the vehicle owner if that person provides
2 adequate proof that the personal property belongs to that
3 person. The spouse, child, mother, father, brother, or sister
4 of the vehicle owner may claim personal property excepted
5 under this paragraph (4) if the person claiming the personal
6 property provides the commercial vehicle relocater or towing
7 service with the authorization of the vehicle owner.

8 (5) This paragraph (5) applies only in the case of a
9 vehicle that is towed as a result of being involved in a crash.
10 In addition to the personal property excepted under paragraph
11 (4), all other personal property in a vehicle subject to a lien
12 under this subsection (g) is exempt from that lien and may be
13 claimed by the vehicle owner if the vehicle owner provides the
14 commercial vehicle relocater or towing service with proof that
15 the vehicle owner has an insurance policy covering towing and
16 storage fees. The spouse, child, mother, father, brother, or
17 sister of the vehicle owner may claim personal property in a
18 vehicle subject to a lien under this subsection (g) if the
19 person claiming the personal property provides the commercial
20 vehicle relocater or towing service with the authorization of
21 the vehicle owner and proof that the vehicle owner has an
22 insurance policy covering towing and storage fees. The
23 regulation of liens on personal property and exceptions to
24 those liens in the case of vehicles towed as a result of being
25 involved in a crash are exclusive powers and functions of the
26 State. A home rule unit may not regulate liens on personal

1 property and exceptions to those liens in the case of vehicles
2 towed as a result of being involved in a crash. This paragraph
3 (5) is a denial and limitation of home rule powers and
4 functions under subsection (h) of Section 6 of Article VII of
5 the Illinois Constitution.

6 (6) No lien under this subsection (g) shall: exceed \$2,000
7 in its total amount; or be increased or altered to reflect any
8 charge for services or materials rendered in addition to those
9 authorized by this Code.

10 (h) Whenever a peace officer issues a citation to a driver
11 for a violation of subsection (a), (a-5), or (b-5) of Section
12 11-506 of this Code or for a violation of paragraph (1) of
13 subsection (a) of Section 11-503 of this Code, the arresting
14 officer may have the vehicle which the person was operating at
15 the time of the arrest impounded for a period of 5 days after
16 the time of arrest. An impounding agency shall release a motor
17 vehicle impounded under this subsection (h) to the registered
18 owner of the vehicle under any of the following circumstances:

19 (1) if the vehicle is a stolen vehicle; or

20 (2) if the person ticketed for a violation of
21 subsection (a), (a-5), or (b-5) of Section 11-506 or
22 paragraph (1) of subsection (a) of Section 11-503 of this
23 Code was not authorized by the registered owner of the
24 vehicle to operate the vehicle at the time of the
25 violation; or

26 (3) if the registered owner of the vehicle was neither

1 the driver nor a passenger in the vehicle at the time of
2 the violation or was unaware that the driver was using the
3 vehicle to engage in street racing, street sideshow, or
4 reckless driving; or

5 (4) if the legal owner or registered owner of the
6 vehicle is a rental car agency; or

7 (5) if, prior to the expiration of the impoundment
8 period specified above, the citation is dismissed or the
9 defendant is found not guilty of the offense.

10 (i) Except for vehicles exempted under subsection (b) of
11 Section 7-601 of this Code, whenever a law enforcement officer
12 issues a citation to a driver for a violation of Section 3-707
13 of this Code, and the driver has a prior conviction for a
14 violation of Section 3-707 of this Code in the past 12 months,
15 the arresting officer shall authorize the removal and
16 impoundment of the vehicle by a towing service.

17 (j) Notwithstanding any other provision of law, if a
18 person has indicated in a timely filed report to the
19 appropriate law enforcement agency that a vehicle towed
20 pursuant to this Section has been stolen or hijacked then:

21 (1) the person shall not be liable for any
22 governmentally imposed fees, fines, or penalties; and

23 (2) if a vehicle towed pursuant to this Section is
24 registered in Illinois and the name and address of the
25 registered owner of the vehicle is provided or made
26 available to the towing service at the time of the tow,

1 then the towing service must provide written notice of the
2 tow to the registered owner within 2 business days after
3 the vehicle is towed by certified mail, return receipt
4 requested. No storage charges shall accrue if the vehicle
5 is reclaimed by paying recovery and towing charges at the
6 posted rates of the towing service as provided by
7 paragraph 6 of subsection (f) within 7 days after such
8 notice is mailed. If the vehicle is registered in a state
9 other than Illinois, then no storage charges shall accrue
10 if the vehicle is reclaimed by paying recovery and towing
11 charges at the posted rates of the towing service as
12 provided by paragraph 6 of subsection (f) within 7 days
13 after a request for registered owner information is mailed
14 by the towing service, certified mail, return receipt
15 requested, to the applicable administrative agency or
16 office in that state.

17 The towing service shall enjoy a lien to secure payment of
18 charges accrued in compliance with this subsection.

19 (Source: P.A. 102-982, eff. 7-1-23; 103-154, eff. 6-30-23;
20 103-706, eff. 1-1-25; 103-756, eff. 1-1-25; revised 11-26-24.)

21 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

22 Sec. 5-102. Used vehicle dealers must be licensed.

23 (a) No person, other than a licensed new vehicle dealer,
24 shall engage in the business of selling or dealing in, on
25 consignment or otherwise, 5 or more used vehicles of any make

1 during the year (except house trailers as authorized by
2 paragraph (j) of this Section and rebuilt salvage vehicles
3 sold by their rebuilders to persons licensed under this
4 Chapter), or act as an intermediary, agent, or broker for any
5 licensed dealer or vehicle purchaser (other than as a
6 salesperson) or represent or advertise that he is so engaged
7 or intends to so engage in such business unless licensed to do
8 so by the Secretary of State under the provisions of this
9 Section.

10 (b) An application for a used vehicle dealer's license
11 shall be filed with the Secretary of State, duly verified by
12 oath, in such form as the Secretary of State may by rule or
13 regulation prescribe and shall contain:

14 1. The name and type of business organization
15 established and additional places of business, if any, in
16 this State.

17 2. If the applicant is a corporation, a list of its
18 officers, directors, and shareholders having a 10% ~~ten~~
19 ~~percent~~ or greater ownership interest in the corporation,
20 setting forth the residence address of each; if the
21 applicant is a sole proprietorship, a partnership, an
22 unincorporated association, a trust, or any similar form
23 of business organization, the names and residence address
24 of the proprietor or of each partner, member, officer,
25 director, trustee, or manager.

26 3. A statement that the applicant has been approved

1 for registration under the Retailers' Occupation Tax Act
2 by the Department of Revenue. However, this requirement
3 does not apply to a dealer who is already licensed
4 hereunder with the Secretary of State, and who is merely
5 applying for a renewal of his license. As evidence of this
6 fact, the application shall be accompanied by a
7 certification from the Department of Revenue showing that
8 the Department has approved the applicant for registration
9 under the Retailers' Occupation Tax Act.

10 4. A statement that the applicant has complied with
11 the appropriate liability insurance requirement. A
12 Certificate of Insurance in a solvent company authorized
13 to do business in the State of Illinois shall be included
14 with each application covering each location at which he
15 proposes to act as a used vehicle dealer. The policy must
16 provide liability coverage in the minimum amounts of
17 \$100,000 for bodily injury to, or death of, any person,
18 \$300,000 for bodily injury to, or death of, 2 ~~two~~ or more
19 persons in any one crash, and \$50,000 for damage to
20 property. Such policy shall expire not sooner than
21 December 31 of the year for which the license was issued or
22 renewed. The expiration of the insurance policy shall not
23 terminate the liability under the policy arising during
24 the period for which the policy was filed. Trailer and
25 mobile home dealers are exempt from this requirement.

26 If the permitted user has a liability insurance policy

1 that provides automobile liability insurance coverage of
2 at least \$100,000 for bodily injury to or the death of any
3 person, \$300,000 for bodily injury to or the death of any 2
4 or more persons in any one crash, and \$50,000 for damage to
5 property, then the permitted user's insurer shall be the
6 primary insurer and the dealer's insurer shall be the
7 secondary insurer. If the permitted user does not have a
8 liability insurance policy that provides automobile
9 liability insurance coverage of at least \$100,000 for
10 bodily injury to or the death of any person, \$300,000 for
11 bodily injury to or the death of any 2 or more persons in
12 any one crash, and \$50,000 for damage to property, or does
13 not have any insurance at all, then the dealer's insurer
14 shall be the primary insurer and the permitted user's
15 insurer shall be the secondary insurer.

16 When a permitted user is "test driving" a used vehicle
17 dealer's automobile, the used vehicle dealer's insurance
18 shall be primary and the permitted user's insurance shall
19 be secondary.

20 As used in this paragraph 4, a "permitted user" is a
21 person who, with the permission of the used vehicle dealer
22 or an employee of the used vehicle dealer, drives a
23 vehicle owned and held for sale or lease by the used
24 vehicle dealer which the person is considering to purchase
25 or lease, in order to evaluate the performance,
26 reliability, or condition of the vehicle. The term

1 "permitted user" also includes a person who, with the
2 permission of the used vehicle dealer, drives a vehicle
3 owned or held for sale or lease by the used vehicle dealer
4 for loaner purposes while the user's vehicle is being
5 repaired or evaluated.

6 As used in this paragraph 4, "test driving" occurs
7 when a permitted user who, with the permission of the used
8 vehicle dealer or an employee of the used vehicle dealer,
9 drives a vehicle owned and held for sale or lease by a used
10 vehicle dealer that the person is considering to purchase
11 or lease, in order to evaluate the performance,
12 reliability, or condition of the vehicle.

13 As used in this paragraph 4, "loaner purposes" means
14 when a person who, with the permission of the used vehicle
15 dealer, drives a vehicle owned or held for sale or lease by
16 the used vehicle dealer while the user's vehicle is being
17 repaired or evaluated.

18 5. An application for a used vehicle dealer's license
19 shall be accompanied by the following license fees:

20 (A) \$1,000 for applicant's established place of
21 business, and \$50 for each additional place of
22 business, if any, to which the application pertains;
23 however, if the application is made after June 15 of
24 any year, the license fee shall be \$500 for
25 applicant's established place of business plus \$25 for
26 each additional place of business, if any, to which

1 the application pertains. License fees shall be
2 returnable only in the event that the application is
3 denied by the Secretary of State. Of the money
4 received by the Secretary of State as license fees
5 under this subparagraph (A) for the 2004 licensing
6 year and thereafter, 95% shall be deposited into the
7 General Revenue Fund.

8 (B) Except for dealers selling 25 or fewer
9 automobiles or as provided in subsection (h) of
10 Section 5-102.7 of this Code, an Annual Dealer
11 Recovery Fund Fee in the amount of \$500 for the
12 applicant's established place of business, and \$50 for
13 each additional place of business, if any, to which
14 the application pertains; but if the application is
15 made after June 15 of any year, the fee shall be \$250
16 for the applicant's established place of business plus
17 \$25 for each additional place of business, if any, to
18 which the application pertains. For a license renewal
19 application, the fee shall be based on the amount of
20 automobiles sold in the past year according to the
21 following formula:

22 (1) \$0 for dealers selling 25 or fewer ~~less~~
23 automobiles;

24 (2) \$150 for dealers selling more than 25 but
25 fewer ~~less~~ than 200 automobiles;

26 (3) \$300 for dealers selling 200 or more

1 automobiles but fewer ~~less~~ than 300 automobiles;

2 and

3 (4) \$500 for dealers selling 300 or more
4 automobiles.

5 License fees shall be returnable only in the event
6 that the application is denied by the Secretary of
7 State. Moneys received under this subparagraph (B)
8 shall be deposited into the Dealer Recovery Trust
9 Fund.

10 6. A statement that the applicant's officers,
11 directors, shareholders having a 10% or greater ownership
12 interest therein, proprietor, partner, member, officer,
13 director, trustee, manager, or other principals in the
14 business have not committed in the past 3 years any one
15 violation as determined in any civil, criminal, or
16 administrative proceedings of any one of the following
17 ~~Acts:~~

18 (A) Article I of Chapter 4 of this Code ~~The~~
19 ~~Anti Theft Laws of the Illinois Vehicle Code;~~

20 (B) Article I of Chapter 3 of this Code ~~The~~
21 ~~Certificate of Title Laws of the Illinois Vehicle~~
22 ~~Code;~~

23 (C) Article VII of Chapter 3 of this Code ~~The~~
24 ~~Offenses against Registration and Certificates of~~
25 ~~Title Laws of the Illinois Vehicle Code;~~

26 (D) Chapter 5 of this Code ~~The Dealers,~~

~~Transporters, Wreckers and Rebuilders Laws of the
Illinois Vehicle Code;~~

(E) Section 21-2 of the Criminal Code of 1961 or
the Criminal Code of 2012, Criminal Trespass to
Vehicles; or

(F) The Retailers' Occupation Tax Act.

7. A statement that the applicant's officers,
directors, shareholders having a 10% or greater ownership
interest therein, proprietor, partner, member, officer,
director, trustee, manager, or other principals in the
business have not committed in any calendar year 3 or more
violations, as determined in any civil, criminal, or
administrative proceedings, of any one or more of the
following Acts:

(A) The Consumer Finance Act;

(B) The Consumer Installment Loan Act;

(C) The Retail Installment Sales Act;

(D) The Motor Vehicle Retail Installment Sales
Act;

(E) The Interest Act;

(F) The Illinois Wage Assignment Act;

(G) Part 8 of Article XII of the Code of Civil
Procedure; or

(H) The Consumer Fraud and Deceptive Business
Practices Act.

7.5. A statement that, within 10 years of application,

1 each officer, director, shareholder having a 10% or
2 greater ownership interest therein, proprietor, partner,
3 member, officer, director, trustee, manager, or other
4 principal in the business of the applicant has not
5 committed, as determined in any civil, criminal, or
6 administrative proceeding, in any calendar year one or
7 more forcible felonies under the Criminal Code of 1961 or
8 the Criminal Code of 2012, or a violation of either or both
9 Article 16 or 17 of the Criminal Code of 1961 or a
10 violation of either or both Article 16 or 17 of the
11 Criminal Code of 2012, Article 29B of the Criminal Code of
12 1961 or the Criminal Code of 2012, or a similar
13 out-of-state offense. For the purposes of this paragraph,
14 "forcible felony" has the meaning provided in Section 2-8
15 of the Criminal Code of 2012.

16 8. A bond or Certificate of Deposit in the amount of
17 \$50,000 for each location at which the applicant intends
18 to act as a used vehicle dealer. The bond shall be for the
19 term of the license, or its renewal, for which application
20 is made, and shall expire not sooner than December 31 of
21 the year for which the license was issued or renewed. The
22 bond shall run to the People of the State of Illinois, with
23 surety by a bonding or insurance company authorized to do
24 business in this State. It shall be conditioned upon the
25 proper transmittal of all title and registration fees and
26 taxes (excluding taxes under the Retailers' Occupation Tax

1 Act) accepted by the applicant as a used vehicle dealer.

2 9. Such other information concerning the business of
3 the applicant as the Secretary of State may by rule or
4 regulation prescribe.

5 10. A statement that the applicant understands Chapter
6 1 through Chapter 5 of this Code.

7 11. A copy of the certification from the prelicensing
8 education program.

9 12. The full name, address, and contact information of
10 each of the dealer's agents or legal representatives who
11 is an Illinois resident and liable for the performance of
12 the dealership.

13 (c) Any change which renders no longer accurate any
14 information contained in any application for a used vehicle
15 dealer's license shall be amended within 30 days after the
16 occurrence of each change on such form as the Secretary of
17 State may prescribe by rule or regulation, accompanied by an
18 amendatory fee of \$2.

19 (d) Anything in this Chapter to the contrary
20 notwithstanding, no person shall be licensed as a used vehicle
21 dealer unless such person maintains an established place of
22 business as defined in this Chapter.

23 (e) The Secretary of State shall, within a reasonable time
24 after receipt, examine an application submitted to him under
25 this Section. Unless the Secretary makes a determination that
26 the application submitted to him does not conform to this

1 Section or that grounds exist for a denial of the application
2 under Section 5-501 of this Chapter, he must grant the
3 applicant an original used vehicle dealer's license in writing
4 for his established place of business and a supplemental
5 license in writing for each additional place of business in
6 such form as he may prescribe by rule or regulation which shall
7 include the following:

8 1. The name of the person licensed;

9 2. If a corporation, the name and address of its
10 officers or if a sole proprietorship, a partnership, an
11 unincorporated association or any similar form of business
12 organization, the name and address of the proprietor or of
13 each partner, member, officer, director, trustee, or
14 manager;

15 3. In case of an original license, the established
16 place of business of the licensee;

17 4. In the case of a supplemental license, the
18 established place of business of the licensee and the
19 additional place of business to which such supplemental
20 license pertains;

21 5. The full name, address, and contact information of
22 each of the dealer's agents or legal representatives who
23 is an Illinois resident and liable for the performance of
24 the dealership.

25 (f) The appropriate instrument evidencing the license or a
26 certified copy thereof, provided by the Secretary of State

1 shall be kept posted, conspicuously, in the established place
2 of business of the licensee and in each additional place of
3 business, if any, maintained by such licensee.

4 (g) Except as provided in subsection (h) of this Section,
5 all used vehicle dealer's licenses granted under this Section
6 expire by operation of law on December 31 of the calendar year
7 for which they are granted unless sooner revoked or cancelled
8 under Section 5-501 of this Chapter.

9 (h) A used vehicle dealer's license may be renewed upon
10 application and payment of the fee required herein, and
11 submission of proof of coverage by an approved bond under the
12 Retailers' Occupation Tax Act or proof that applicant is not
13 subject to such bonding requirements, as in the case of an
14 original license, but in case an application for the renewal
15 of an effective license is made during the month of December,
16 the effective license shall remain in force until the
17 application for renewal is granted or denied by the Secretary
18 of State.

19 (i) All persons licensed as a used vehicle dealer are
20 required to furnish each purchaser of a motor vehicle:

21 1. A certificate of title properly assigned to the
22 purchaser;

23 2. A statement verified under oath that all
24 identifying numbers on the vehicle agree with those on the
25 certificate of title;

26 3. A bill of sale properly executed on behalf of such

1 person;

2 4. A copy of the Uniform Invoice-transaction reporting
3 return referred to in Section 5-402 of this Chapter;

4 5. In the case of a rebuilt vehicle, a copy of the
5 Disclosure of Rebuilt Vehicle Status; and

6 6. In the case of a vehicle for which the warranty has
7 been reinstated, a copy of the warranty.

8 (j) A real estate broker holding a valid certificate of
9 registration issued pursuant to "The Real Estate Brokers and
10 Salesmen License Act" may engage in the business of selling or
11 dealing in house trailers not his own without being licensed
12 as a used vehicle dealer under this Section; however such
13 broker shall maintain a record of the transaction including
14 the following:

15 (1) the name and address of the buyer and seller,

16 (2) the date of sale,

17 (3) a description of the mobile home, including the
18 vehicle identification number, make, model, and year, and

19 (4) the Illinois certificate of title number.

20 The foregoing records shall be available for inspection by
21 any officer of the Secretary of State's Office at any
22 reasonable hour.

23 (k) Except at the time of sale or repossession of the
24 vehicle, no person licensed as a used vehicle dealer may issue
25 any other person a newly created key to a vehicle unless the
26 used vehicle dealer makes a color photocopy or electronic scan

1 of the driver's license or State identification card of the
2 person requesting or obtaining the newly created key. The used
3 vehicle dealer must retain the photocopy or scan for 30 days.

4 A used vehicle dealer who violates this subsection (k) is
5 guilty of a petty offense. Violation of this subsection (k) is
6 not cause to suspend, revoke, cancel, or deny renewal of the
7 used vehicle dealer's license.

8 (1) Used vehicle dealers licensed under this Section shall
9 provide the Secretary of State a register for the sale at
10 auction of each salvage or junk certificate vehicle. Each
11 register shall include the following information:

12 1. The year, make, model, style, and color of the
13 vehicle;

14 2. The vehicle's manufacturer's identification number
15 or, if applicable, the Secretary of State or Illinois
16 State Police identification number;

17 3. The date of acquisition of the vehicle;

18 4. The name and address of the person from whom the
19 vehicle was acquired;

20 5. The name and address of the person to whom any
21 vehicle was disposed, the person's Illinois license
22 number, or if the person is an out-of-state salvage
23 vehicle buyer, the license number from the state or
24 jurisdiction where the buyer is licensed; and

25 6. The purchase price of the vehicle.

26 The register shall be submitted to the Secretary of State

1 via written or electronic means within 10 calendar days from
2 the date of the auction.

3 (m) If a licensee under this Section voluntarily
4 surrenders a license to the Illinois Secretary of State Police
5 or a representative of the Secretary of State Vehicle Services
6 Department due to the licensee's inability to adhere to
7 recordkeeping provisions, or the inability to properly issue
8 certificates of title or registrations under this Code, or the
9 Secretary revokes a license under this Section, then the
10 licensee and the licensee's agent, designee, or legal
11 representative, if applicable, may not be named on a new
12 application for a license under this Section or under this
13 Chapter, nor is the licensee or the licensee's agent,
14 designee, or legal representative permitted to work for
15 another licensee under this Chapter in a recordkeeping,
16 management, or financial position or as an employee who
17 handles certificate of title and registration documents and
18 applications.

19 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
20 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-982, eff.
21 7-1-23; revised 10-23-24.)

22 (625 ILCS 5/6-110)

23 Sec. 6-110. Licenses issued to drivers.

24 (a) The Secretary of State shall issue to every qualifying
25 applicant a driver's license as applied for, which license

1 shall bear a distinguishing number assigned to the licensee,
2 the legal name, signature, zip code, date of birth, residence
3 address, and a brief description of the licensee.

4 Licenses issued shall also indicate the classification and
5 the restrictions under Section 6-104 of this Code. The
6 Secretary may adopt rules to establish informational
7 restrictions that can be placed on the driver's license
8 regarding specific conditions of the licensee.

9 A driver's license issued may, in the discretion of the
10 Secretary, include a suitable photograph of a type prescribed
11 by the Secretary.

12 (a-1) If the licensee is less than 18 years of age, unless
13 one of the exceptions in subsection (a-2) apply, the license
14 shall, as a matter of law, be invalid for the operation of any
15 motor vehicle during the following times:

16 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

17 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
18 Sunday; and

19 (C) Between 10:00 p.m. on Sunday to Thursday,
20 inclusive, and 6:00 a.m. on the following day.

21 (a-2) The driver's license of a person under the age of 18
22 shall not be invalid as described in subsection (a-1) of this
23 Section if the licensee under the age of 18 was:

24 (1) accompanied by the licensee's parent or guardian
25 or other person in custody or control of the minor;

26 (2) on an errand at the direction of the minor's

1 parent or guardian, without any detour or stop;

2 (3) in a motor vehicle involved in interstate travel;

3 (4) going to or returning home from an employment
4 activity, without any detour or stop;

5 (5) involved in an emergency;

6 (6) going to or returning home from, without any
7 detour or stop, an official school, religious, or other
8 recreational activity supervised by adults and sponsored
9 by a government or governmental agency, a civic
10 organization, or another similar entity that takes
11 responsibility for the licensee, without any detour or
12 stop;

13 (7) exercising First Amendment rights protected by the
14 United States Constitution, such as the free exercise of
15 religion, freedom of speech, and the right of assembly; or

16 (8) married or had been married or is an emancipated
17 minor under the Emancipation of Minors Act.

18 (a-2.5) The driver's license of a person who is 17 years of
19 age and has been licensed for at least 12 months is not invalid
20 as described in subsection (a-1) of this Section while the
21 licensee is participating as an assigned driver in a Safe
22 Rides program that meets the following criteria:

23 (1) the program is sponsored by the Boy Scouts of
24 America or another national public service organization;
25 and

26 (2) the sponsoring organization carries liability

1 insurance covering the program.

2 (a-3) If a graduated driver's license holder over the age
3 of 18 committed an offense against traffic regulations
4 governing the movement of vehicles or any violation of Section
5 6-107 or Section 12-603.1 of this Code in the 6 months prior to
6 the graduated driver's license holder's 18th birthday, and was
7 subsequently convicted of the offense, the provisions of
8 subsection (a-1) shall continue to apply until such time as a
9 period of 6 consecutive months has elapsed without an
10 additional violation and subsequent conviction of an offense
11 against traffic regulations governing the movement of vehicles
12 or Section 6-107 or Section 12-603.1 of this Code.

13 (a-4) If an applicant for a driver's license or
14 instruction permit has a current identification card issued by
15 the Secretary of State, the Secretary may require the
16 applicant to utilize the same residence address and name on
17 the identification card, driver's license, and instruction
18 permit records maintained by the Secretary. The Secretary may
19 promulgate rules to implement this provision.

20 (a-5) If an applicant for a driver's license is an
21 employee of the Department of Children and Family Services
22 with a job title of "Child Protection Specialist Trainee",
23 "Child Protection Specialist", "Child Protection Advanced
24 Specialist", "Child Welfare Specialist Trainee", "Child
25 Welfare Specialist", or "Child Welfare Advanced Specialist" or
26 a judicial officer or a peace officer, the applicant may elect

1 to have his or her office or work address listed on the license
2 instead of the applicant's residence or mailing address. The
3 Secretary of State shall adopt rules to implement this
4 subsection (a-5). For the purposes of this subsection (a-5),
5 "peace officer" means any person who by virtue of his or her
6 office or public employment is vested by law with a duty to
7 maintain public order or to make arrests for a violation of any
8 penal statute of this State, whether that duty extends to all
9 violations or is limited to specific violations.

10 (b) Until the Secretary of State establishes a First
11 Person Consent organ and tissue donor registry under Section
12 6-117 of this Code, the Secretary of State shall provide a
13 format on the reverse of each driver's license issued which
14 the licensee may use to execute a document of gift conforming
15 to the provisions of the Illinois Anatomical Gift Act. The
16 format shall allow the licensee to indicate the gift intended,
17 whether specific organs, any organ, or the entire body, and
18 shall accommodate the signatures of the donor and 2 witnesses.
19 The Secretary shall also inform each applicant or licensee of
20 this format, describe the procedure for its execution, and may
21 offer the necessary witnesses; provided that in so doing, the
22 Secretary shall advise the applicant or licensee that he or
23 she is under no compulsion to execute a document of gift. A
24 brochure explaining this method of executing an anatomical
25 gift document shall be given to each applicant or licensee.
26 The brochure shall advise the applicant or licensee that he or

1 she is under no compulsion to execute a document of gift, and
2 that he or she may wish to consult with family, friends, or
3 clergy before doing so. The Secretary of State may undertake
4 additional efforts, including education and awareness
5 activities, to promote organ and tissue donation.

6 (c) The Secretary of State shall designate on each
7 driver's license issued a space where the licensee may place a
8 sticker or decal of the uniform size as the Secretary may
9 specify, which sticker or decal may indicate in appropriate
10 language that the owner of the license carries an Emergency
11 Medical Information Card.

12 The sticker may be provided by any person, hospital,
13 school, medical group, or association interested in assisting
14 in implementing the Emergency Medical Information Card, but
15 shall meet the specifications as the Secretary may by rule or
16 regulation require.

17 (d) The Secretary of State shall designate on each
18 driver's license issued a space where the licensee may
19 indicate his blood type and RH factor.

20 (e) The Secretary of State shall provide that each
21 original or renewal driver's license issued to a licensee
22 under 21 years of age shall be of a distinct nature from those
23 driver's licenses issued to individuals 21 years of age and
24 older. The color designated for driver's licenses for
25 licensees under 21 years of age shall be at the discretion of
26 the Secretary of State.

1 (e-1) The Secretary shall provide that each driver's
2 license issued to a person under the age of 21 displays the
3 date upon which the person becomes 18 years of age and the date
4 upon which the person becomes 21 years of age.

5 (e-3) The General Assembly recognizes the need to identify
6 military veterans living in this State for the purpose of
7 ensuring that they receive all of the services and benefits to
8 which they are legally entitled, including health care
9 ~~healthcare~~, education assistance, and job placement. To assist
10 the State in identifying these veterans and delivering these
11 vital services and benefits, the Secretary of State is
12 authorized to issue drivers' licenses with the word "veteran"
13 appearing on the face of the licenses. This authorization is
14 predicated on the unique status of veterans. The Secretary may
15 not issue any other driver's license which identifies an
16 occupation, status, affiliation, hobby, or other unique
17 characteristics of the license holder which is unrelated to
18 the purpose of the driver's license.

19 (e-5) Beginning on or before July 1, 2015, the Secretary
20 of State shall designate a space on each original or renewal
21 driver's license where, at the request of the applicant, the
22 word "veteran" shall be placed. The veteran designation shall
23 be available to a person identified as a veteran under
24 subsection (e) of Section 6-106 of this Code who was
25 discharged or separated under honorable conditions.

26 (e-7) Upon providing the required documentation, at the

1 request of the applicant, the driver's license may reflect
2 Gold Star Family designation. The Secretary shall designate a
3 space on each original or renewal driver's license for such
4 designation. This designation shall be available to a person
5 eligible for Gold Star license plates under subsection (f) of
6 Section 6-106 of this Code.

7 (f) The Secretary of State shall inform all Illinois
8 licensed commercial motor vehicle operators of the
9 requirements of the Uniform Commercial Driver License Act,
10 Article V of this Chapter, and shall make provisions to insure
11 that all drivers, seeking to obtain a commercial driver's
12 license, be afforded an opportunity prior to April 1, 1992, to
13 obtain the license. The Secretary is authorized to extend
14 driver's license expiration dates, and assign specific times,
15 dates and locations where these commercial driver's tests
16 shall be conducted. Any applicant, regardless of the current
17 expiration date of the applicant's driver's license, may be
18 subject to any assignment by the Secretary. Failure to comply
19 with the Secretary's assignment may result in the applicant's
20 forfeiture of an opportunity to receive a commercial driver's
21 license prior to April 1, 1992.

22 (g) The Secretary of State shall designate on a driver's
23 license issued, a space where the licensee may indicate that
24 he or she has drafted a living will in accordance with the
25 Illinois Living Will Act or a durable power of attorney for
26 health care in accordance with the Illinois Power of Attorney

1 Act.

2 (g-1) The Secretary of State, in his or her discretion,
3 may designate on each driver's license issued a space where
4 the licensee may place a sticker or decal, issued by the
5 Secretary of State, of uniform size as the Secretary may
6 specify, that shall indicate in appropriate language that the
7 owner of the license has renewed his or her driver's license.

8 (h) A person who acts in good faith in accordance with the
9 terms of this Section is not liable for damages in any civil
10 action or subject to prosecution in any criminal proceeding
11 for his or her act.

12 (i) The Secretary shall designate a space on each original
13 or renewal of a driver's license, at the request of the
14 applicant, for a designation as a Gold Star Family. This
15 designation shall be available to a person eligible for Gold
16 Star license plates under subsection (f) of Section 6-106 of
17 this Code.

18 (Source: P.A. 103-888, eff. 8-9-24; 103-933, eff. 1-1-25;
19 revised 11-26-24.)

20 (625 ILCS 5/6-118)

21 Sec. 6-118. Fees.

22 (a) The fees for licenses and permits under this Article
23 are as follows:

24 Original 4-year driver's license \$30

25 Original 8-year driver's license issued under

1	subsection (a-3) of Section 6-115	<u>\$60</u>
2	Original driver's license issued	
3	to 18, 19, and 20 year olds	\$5
4	All driver's licenses for persons	
5	age 69 through age 80	\$5
6	All driver's licenses for persons	
7	age 81 through age 86	\$2
8	All driver's licenses for persons	
9	age 87 or older	\$0
10	Renewal 4-year driver's license (except for	
11	applicants ~~7~~ age 69 and older)	\$30
12	Renewal 8-year driver's license issued under	
13	subsection (a-3) of Section 6-115 (except	
14	for applicants age 69 and older)	<u>\$60</u>
15	Original instruction permit issued to	
16	persons (except those age 69 and older)	
17	who do not hold or have not previously	
18	held an Illinois instruction permit or	
19	driver's license	\$20
20	Instruction permit issued to any person	
21	holding an Illinois driver's license	
22	who wishes a change in classifications,	
23	other than at the time of renewal	\$5
24	Any instruction permit issued to a person	
25	age 69 and older	\$5
26	Instruction permit issued to any person,	

1 under age 69, not currently holding a
2 valid Illinois driver's license or
3 instruction permit but who has
4 previously been issued either document
5 in Illinois..... \$10
6 Restricted driving permit..... \$8
7 Monitoring device driving permit \$8
8 Duplicate or corrected driver's license
9 or permit..... \$5
10 Duplicate or corrected restricted
11 driving permit \$5
12 Duplicate or corrected monitoring
13 device driving permit..... \$5
14 Duplicate driver's license or permit issued to
15 an active-duty member of the
16 United States Armed Forces,
17 the member's spouse, or
18 the dependent children living
19 with the member..... \$0
20 Original or renewal M or L endorsement \$5

21 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

22 The fees for commercial driver licenses and permits
23 under Article V shall be as follows:

24 Commercial driver's license:

25 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund

26 (Commercial Driver's License Information

1 System/American Association of Motor Vehicle
2 Administrators network/National Motor Vehicle
3 Title Information Service Trust Fund);
4 \$20 for the Motor Carrier Safety Inspection Fund;
5 \$10 for the driver's license;
6 and \$24 for the CDL: \$60
7 Renewal commercial driver's license:
8 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
9 \$20 for the Motor Carrier Safety Inspection Fund;
10 \$10 for the driver's license; and
11 \$24 for the CDL: \$60
12 Commercial learner's permit
13 issued to any person holding a valid
14 Illinois driver's license for the
15 purpose of changing to a
16 CDL classification:
17 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
18 \$20 for the Motor Carrier Safety Inspection Fund; and
19 \$24 for the CDL classification \$50
20 Commercial learner's permit
21 issued to any person holding a valid
22 Illinois CDL for the purpose of
23 making a change in a classification,
24 endorsement or restriction \$5
25 CDL duplicate or corrected license \$5
26 In order to ensure the proper implementation of the

1 Uniform Commercial Driver License Act, Article V of this
2 Chapter, the Secretary of State is empowered to prorate the
3 \$24 fee for the commercial driver's license proportionate to
4 the expiration date of the applicant's Illinois driver's
5 license.

6 The fee for any duplicate license or permit shall be
7 waived for any person who presents the Secretary of State's
8 office with a police report showing that his license or permit
9 was stolen.

10 The fee for any duplicate license or permit shall be
11 waived for any person age 60 or older whose driver's license or
12 permit has been lost or stolen.

13 No additional fee shall be charged for a driver's license,
14 or for a commercial driver's license, when issued to the
15 holder of an instruction permit for the same classification or
16 type of license who becomes eligible for such license.

17 The fee for a restricted driving permit under this
18 subsection (a) shall be imposed annually until the expiration
19 of the permit.

20 (a-5) The fee for a driver's record or data contained
21 therein is \$20 and shall be disbursed as set forth in
22 subsection (k) of Section 2-123 of this Code.

23 (b) Any person whose license or privilege to operate a
24 motor vehicle in this State has been suspended or revoked
25 under Section 3-707, any provision of Chapter 6, Chapter 11,
26 or Section 7-205, 7-303, or 7-702 of the Illinois Safety and

1 Family Financial Responsibility Law of this Code, shall in
2 addition to any other fees required by this Code, pay a
3 reinstatement fee as follows:

4	Suspension under Section 3-707	\$100
5	Suspension under Section 11-1431	\$100
6	Summary suspension under Section 11-501.1	\$250
7	Suspension under Section 11-501.9	\$250
8	Summary revocation under Section 11-501.1	\$500
9	Other suspension	\$70
10	Revocation	\$500

11 However, any person whose license or privilege to operate
12 a motor vehicle in this State has been suspended or revoked for
13 a second or subsequent time for a violation of Section 11-501,
14 11-501.1, or 11-501.9 of this Code or a similar provision of a
15 local ordinance or a similar out-of-state offense or Section
16 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
17 and each suspension or revocation was for a violation of
18 Section 11-501, 11-501.1, or 11-501.9 of this Code or a
19 similar provision of a local ordinance or a similar
20 out-of-state offense or Section 9-3 of the Criminal Code of
21 1961 or the Criminal Code of 2012 shall pay, in addition to any
22 other fees required by this Code, a reinstatement fee as
23 follows:

24	Summary suspension under Section 11-501.1	\$500
25	Suspension under Section 11-501.9	\$500
26	Summary revocation under Section 11-501.1	\$500

1 Revocation \$500

2 (c) All fees collected under the provisions of this
3 Chapter 6 shall be disbursed under subsection (g) of Section
4 2-119 of this Code, except as follows:

5 1. The following amounts shall be paid into the
6 Drivers Education Fund:

7 (A) \$16 of the \$20 fee for an original driver's
8 instruction permit;

9 (B) one-sixth of the fee for an original driver's
10 license;

11 (C) one-sixth of the fee for a renewal driver's
12 license;

13 (D) \$4 of the \$8 fee for a restricted driving
14 permit; and

15 (E) \$4 of the \$8 fee for a monitoring device
16 driving permit.

17 2. \$30 of the \$250 fee for reinstatement of a license
18 summarily suspended under Section 11-501.1 or suspended
19 under Section 11-501.9 shall be deposited into the Drunk
20 and Drugged Driving Prevention Fund. However, for a person
21 whose license or privilege to operate a motor vehicle in
22 this State has been suspended or revoked for a second or
23 subsequent time for a violation of Section 11-501,
24 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
26 the \$500 fee for reinstatement of a license summarily

1 suspended under Section 11-501.1 or suspended under
2 Section 11-501.9, and \$190 of the \$500 fee for
3 reinstatement of a revoked license shall be deposited into
4 the Drunk and Drugged Driving Prevention Fund. \$190 of the
5 \$500 fee for reinstatement of a license summarily revoked
6 pursuant to Section 11-501.1 shall be deposited into the
7 Drunk and Drugged Driving Prevention Fund.

8 3. \$6 of the original or renewal fee for a commercial
9 driver's license and \$6 of the commercial learner's permit
10 fee when the permit is issued to any person holding a valid
11 Illinois driver's license, shall be paid into the
12 CDLIS/AAMVAnet/NMVTIS Trust Fund.

13 4. \$30 of the \$70 fee for reinstatement of a license
14 suspended under the Illinois Safety and Family Financial
15 Responsibility Law shall be paid into the Family
16 Responsibility Fund.

17 5. The \$5 fee for each original or renewal M or L
18 endorsement shall be deposited into the Cycle Rider Safety
19 Training Fund.

20 6. \$20 of any original or renewal fee for a commercial
21 driver's license or commercial learner's permit shall be
22 paid into the Motor Carrier Safety Inspection Fund.

23 7. The following amounts shall be paid into the
24 General Revenue Fund:

25 (A) \$190 of the \$250 reinstatement fee for a
26 summary suspension under Section 11-501.1 or a

1 suspension under Section 11-501.9;

2 (B) \$40 of the \$70 reinstatement fee for any other
3 suspension provided in subsection (b) of this Section;
4 and

5 (C) \$440 of the \$500 reinstatement fee for a first
6 offense revocation and \$310 of the \$500 reinstatement
7 fee for a second or subsequent revocation.

8 8. Fees collected under paragraph (4) of subsection
9 (d) and subsection (h) of Section 6-205 of this Code;
10 subparagraph (C) of paragraph 3 of subsection (c) of
11 Section 6-206 of this Code; and paragraph (4) of
12 subsection (a) of Section 6-206.1 of this Code, shall be
13 paid into the funds set forth in those Sections.

14 (d) All of the proceeds of the additional fees imposed by
15 Public Act 96-34 ~~this amendatory Act of the 96th General~~
16 ~~Assembly~~ shall be deposited into the Capital Projects Fund.

17 (e) The additional fees imposed by Public Act 96-38 ~~this~~
18 ~~amendatory Act of the 96th General Assembly~~ shall become
19 effective 90 days after becoming law. The additional fees
20 imposed by Public Act 103-8 ~~this amendatory Act of the 103rd~~
21 ~~General Assembly~~ shall become effective July 1, 2023 and shall
22 be paid into the Secretary of State Special Services Fund.

23 (f) As used in this Section, "active-duty member of the
24 United States Armed Forces" means a member of the Armed
25 Services or Reserve Forces of the United States or a member of
26 the Illinois National Guard who is called to active duty

1 pursuant to an executive order of the President of the United
2 States, an act of the Congress of the United States, or an
3 order of the Governor.

4 (Source: P.A. 103-8, eff. 7-1-23; 103-605, eff. 7-1-24;
5 103-872, eff. 1-1-25; revised 11-26-24.)

6 (625 ILCS 5/6-209.1)

7 Sec. 6-209.1. Restoration of driving privileges;
8 revocation; suspension; cancellation.

9 (a) The Secretary shall rescind the suspension or
10 cancellation of a person's driver's license that has been
11 suspended or canceled before July 1, 2020 (the effective date
12 of Public Act 101-623) due to:

13 (1) the person being convicted of theft of motor fuel
14 under Section 16-25 or 16K-15 of the Criminal Code of 1961
15 or the Criminal Code of 2012;

16 (2) the person, since the issuance of the driver's
17 license, being adjudged to be afflicted with or suffering
18 from any mental disability or disease;

19 (3) a violation of Section 6-16 of the Liquor Control
20 Act of 1934 or a similar provision of a local ordinance;

21 (4) the person being convicted of a violation of
22 Section 6-20 of the Liquor Control Act of 1934 or a similar
23 provision of a local ordinance, if the person presents a
24 certified copy of a court order that includes a finding
25 that the person was not an occupant of a motor vehicle at

1 the time of the violation;

2 (5) the person receiving a disposition of court
3 supervision for a violation of subsection (a), (d), or (e)
4 of Section 6-20 of the Liquor Control Act of 1934 or a
5 similar provision of a local ordinance, if the person
6 presents a certified copy of a court order that includes a
7 finding that the person was not an occupant of a motor
8 vehicle at the time of the violation;

9 (6) the person failing to pay any fine or penalty due
10 or owing as a result of 10 or more violations of a
11 municipality's or county's vehicular standing, parking, or
12 compliance regulations established by ordinance under
13 Section 11-208.3 of this Code;

14 (7) the person failing to satisfy any fine or penalty
15 resulting from a final order issued by the Illinois State
16 Toll Highway Authority relating directly or indirectly to
17 5 or more toll violations, toll evasions, or both;

18 (8) the person being convicted of a violation of
19 Section 4-102 of this Code, if the person presents a
20 certified copy of a court order that includes a finding
21 that the person did not exercise actual physical control
22 of the vehicle at the time of the violation; or

23 (9) the person being convicted of criminal trespass to
24 vehicles under Section 21-2 of the Criminal Code of 2012,
25 if the person presents a certified copy of a court order
26 that includes a finding that the person did not exercise

1 actual physical control of the vehicle at the time of the
2 violation.

3 (b) As soon as practicable and no later than July 1, 2021,
4 the Secretary shall rescind the suspension, cancellation, or
5 prohibition of renewal of a person's driver's license that has
6 been suspended, canceled, or whose renewal has been prohibited
7 before July 1, 2021 (the effective date of Public Act 101-652)
8 ~~this amendatory Act of the 101st General Assembly~~ due to the
9 person having failed to pay any fine or penalty for traffic
10 violations, automated traffic law enforcement system
11 violations as defined in Sections 11-208.6, ~~and~~ 11-208.8,
12 11-208.9, and 11-1201.1, or abandoned vehicle fees.

13 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21;
14 102-558, eff. 8-20-21; revised 8-19-24.)

15 (625 ILCS 5/11-907)

16 Sec. 11-907. Operation of vehicles and streetcars on
17 approach of authorized emergency vehicles.

18 (a) Upon the immediate approach of an authorized emergency
19 vehicle making use of audible and visual signals meeting the
20 requirements of this Code or a police vehicle properly and
21 lawfully making use of an audible or visual signal:

22 (1) the driver of every other vehicle shall yield the
23 right-of-way and shall immediately drive to a position
24 parallel to, and as close as possible to, the right-hand
25 edge or curb of the highway clear of any intersection and

1 shall, if necessary to permit the safe passage of the
2 emergency vehicle, stop and remain in such position until
3 the authorized emergency vehicle has passed, unless
4 otherwise directed by a police officer; and

5 (2) the operator of every streetcar shall immediately
6 stop such car clear of any intersection and keep it in such
7 position until the authorized emergency vehicle has
8 passed, unless otherwise directed by a police officer.

9 (b) This Section shall not operate to relieve the driver
10 of an authorized emergency vehicle from the duty to drive with
11 due regard for the safety of all persons using the highway.

12 (c) Upon approaching a stationary authorized emergency
13 vehicle or emergency scene, when the stationary authorized
14 emergency vehicle is giving a visual signal by displaying
15 oscillating, rotating, or flashing lights as authorized under
16 Section 12-215 of this Code, a person who drives an
17 approaching vehicle shall:

18 (1) proceeding with due caution, yield the
19 right-of-way by making a lane change into a lane not
20 adjacent to that of the authorized emergency vehicle, if
21 possible with due regard to safety and traffic conditions,
22 if on a highway having at least 4 lanes with not less than
23 2 lanes proceeding in the same direction as the
24 approaching vehicle and reduce the speed of the vehicle to
25 a speed that is reasonable and proper with regard to
26 traffic conditions and the use of the highway to avoid a

1 collision and leaving a safe distance until safely past
2 the stationary emergency vehicle; or

3 (2) if changing lanes would be impossible or unsafe,
4 proceeding with due caution, reduce the speed of the
5 vehicle to a speed that is reasonable and proper with
6 regard to traffic conditions and the use of the highway to
7 avoid a collision, maintaining a safe speed for road
8 conditions and leaving a safe distance until safely past
9 the stationary emergency vehicles.

10 The visual signal specified under this subsection (c)
11 given by a stationary authorized emergency vehicle is an
12 indication to drivers of approaching vehicles that a hazardous
13 condition is present when circumstances are not immediately
14 clear. Drivers of vehicles approaching a stationary authorized
15 emergency vehicle in any lane shall heed the warning of the
16 signal, reduce the speed of the vehicle, proceed with due
17 caution, maintain a safe speed for road conditions, be
18 prepared to stop, and leave a safe distance until safely
19 passed the stationary emergency vehicle.

20 As used in this subsection (c), "authorized emergency
21 vehicle" includes any vehicle authorized by law to be equipped
22 with oscillating, rotating, or flashing lights under Section
23 12-215 of this Code, while the owner or operator of the vehicle
24 is engaged in his or her official duties. As used in this
25 subsection (c), "emergency scene" means a location where a
26 stationary authorized emergency vehicle as defined by herein

1 is present and has activated its oscillating, rotating, or
2 flashing lights.

3 (d) A person who violates subsection (c) of this Section
4 commits a business offense punishable by a fine of not less
5 than \$250 or more than \$10,000 for a first violation, and a
6 fine of not less than \$750 or more than \$10,000 for a second or
7 subsequent violation. It is a factor in aggravation if the
8 person committed the offense while in violation of Section
9 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the
10 penalties authorized by this subsection (d) for a violation of
11 subsection (c) of this Section that results in the death of
12 another person does not preclude imposition of appropriate
13 additional civil or criminal penalties. A person who violates
14 subsection (c) and the violation results in damage to another
15 vehicle commits a Class A misdemeanor. A person who violates
16 subsection (c) and the violation results in the injury or
17 death of another person commits a Class 4 felony.

18 (e) If a violation of subsection (c) of this Section
19 results in damage to the property of another person, in
20 addition to any other penalty imposed, the person's driving
21 privileges shall be suspended for a fixed period of not less
22 than 90 days and not more than one year.

23 (f) If a violation of subsection (c) of this Section
24 results in injury to another person, in addition to any other
25 penalty imposed, the person's driving privileges shall be
26 suspended for a fixed period of not less than 180 days and not

1 more than 2 years.

2 (g) If a violation of subsection (c) of this Section
3 results in the death of another person, in addition to any
4 other penalty imposed, the person's driving privileges shall
5 be suspended for 2 years.

6 (h) The Secretary of State shall, upon receiving a record
7 of a judgment entered against a person under subsection (c) of
8 this Section:

9 (1) suspend the person's driving privileges for the
10 mandatory period; or

11 (2) extend the period of an existing suspension by the
12 appropriate mandatory period.

13 (i) The Scott's Law Fund shall be a special fund in the
14 State treasury. Subject to appropriation by the General
15 Assembly and approval by the Director, the Director of the
16 State Police shall use all moneys in the Scott's Law Fund in
17 the Department's discretion to fund the production of
18 materials to educate drivers on approaching stationary
19 authorized emergency vehicles, to hire off-duty Illinois State
20 Police for enforcement of this Section, and for other law
21 enforcement purposes the Director deems necessary in these
22 efforts.

23 (j) For violations of this Section issued by a county or
24 municipal police officer, the assessment shall be deposited
25 into the county's or municipality's Transportation Safety
26 Highway Hire-back Fund. The county shall use the moneys in its

1 Transportation Safety Highway Hire-back Fund to hire off-duty
2 county police officers to monitor construction or maintenance
3 zones in that county on highways other than interstate
4 highways. The county, in its discretion, may also use a
5 portion of the moneys in its Transportation Safety Highway
6 Hire-back Fund to purchase equipment for county law
7 enforcement and fund the production of materials to educate
8 drivers on construction zone safe driving habits and
9 approaching stationary authorized emergency vehicles.

10 (k) In addition to other penalties imposed by this
11 Section, the court may order a person convicted of a violation
12 of subsection (c) to perform community service as determined
13 by the court.

14 (Source: P.A. 102-336, eff. 1-1-22; 102-338, eff. 1-1-22;
15 102-813, eff. 5-13-22; 103-667, eff. 1-1-25; 103-711, eff.
16 1-1-25; revised 11-26-24.)

17 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

18 Sec. 13-101. Submission to safety test; certificate of
19 safety. To promote the safety of the general public, every
20 owner of a second division vehicle, medical transport vehicle,
21 tow truck, first division vehicle including a taxi which is
22 used for a purpose that requires a school bus driver permit,
23 motor vehicle used for driver education training, or contract
24 carrier transporting employees in the course of their
25 employment on a highway of this State in a vehicle designed to

1 carry 15 or fewer passengers shall, before operating the
2 vehicle upon the highways of Illinois, submit it to a "safety
3 test" and secure a certificate of safety furnished by the
4 Department as set forth in Section 13-109. Each second
5 division motor vehicle that pulls or draws a trailer,
6 semitrailer or pole trailer, with a gross weight of 10,001 lbs
7 or more or is registered for a gross weight of 10,001 lbs or
8 more, motor bus, religious organization bus, school bus,
9 senior citizen transportation vehicle, and limousine shall be
10 subject to inspection by the Department and the Department is
11 authorized to establish rules and regulations for the
12 implementation of such inspections.

13 The owners of each salvage vehicle shall submit it to a
14 "safety test" and secure a certificate of safety furnished by
15 the Department prior to its salvage vehicle inspection
16 pursuant to Section 3-308 of this Code. In implementing and
17 enforcing the provisions of this Section, the Department and
18 other authorized State agencies shall do so in a manner that is
19 not inconsistent with any applicable federal law or regulation
20 so that no federal funding or support is jeopardized by the
21 enactment or application of these provisions.

22 However, none of the provisions of Chapter 13 requiring
23 safety tests or a certificate of safety shall apply to:

24 (a) farm tractors, machinery and implements, wagons,
25 wagon-trailers or like farm vehicles used primarily in
26 agricultural pursuits;

1 (b) vehicles other than school buses, tow trucks, and
2 medical transport vehicles owned or operated by a
3 municipal corporation or political subdivision having a
4 population of 1,000,000 or more inhabitants and which are
5 subject to safety tests imposed by local ordinance or
6 resolution;

7 (c) a semitrailer or trailer having a gross weight of
8 5,000 pounds or less including vehicle weight and maximum
9 load;

10 (d) recreational vehicles;

11 (e) vehicles registered as and displaying Illinois
12 antique vehicle plates and vehicles registered as
13 expanded-use antique vehicles and displaying expanded-use
14 antique vehicle plates;

15 (f) house trailers equipped and used for living
16 quarters;

17 (g) vehicles registered as and displaying Illinois
18 permanently mounted equipment plates or similar vehicles
19 eligible therefor but registered as governmental vehicles
20 provided that if said vehicle is reclassified from a
21 permanently mounted equipment plate so as to lose the
22 exemption of not requiring a certificate of safety, such
23 vehicle must be safety tested within 30 days of the
24 reclassification;

25 (h) vehicles owned or operated by a manufacturer,
26 dealer, or transporter displaying a special plate or

1 plates as described in Chapter 3 of this Code while such
2 vehicle is being delivered from the manufacturing or
3 assembly plant directly to the purchasing dealership or
4 distributor, or being temporarily road driven for quality
5 control testing, or from one dealer or distributor to
6 another, or are being moved by the most direct route from
7 one location to another for the purpose of installing
8 special bodies or equipment, or driven for purposes of
9 demonstration by a prospective buyer with the dealer or
10 his agent present in the cab of the vehicle during the
11 demonstration;

12 (i) pole trailers and auxiliary axles;

13 (j) special mobile equipment;

14 (k) vehicles properly registered in another State
15 pursuant to law and displaying a valid registration plate
16 or digital registration plate, except vehicles of contract
17 carriers transporting employees in the course of their
18 employment on a highway of this State in a vehicle
19 designed to carry 15 or fewer passengers are only exempted
20 to the extent that the safety testing requirements
21 applicable to such vehicles in the state of registration
22 are no less stringent than the safety testing requirements
23 applicable to contract carriers that are lawfully
24 registered in Illinois;

25 (l) water-well boring apparatuses or rigs;

26 (m) any vehicle which is owned and operated by the

1 federal government and externally displays evidence of
2 such ownership; and

3 (n) second division vehicles registered for a gross
4 weight of 10,000 pounds or less, except when such second
5 division motor vehicles pull or draw a trailer,
6 semi-trailer, or pole trailer having a gross weight of or
7 registered for a gross weight of more than 10,000 pounds;
8 motor buses; religious organization buses; school buses;
9 senior citizen transportation vehicles; medical transport
10 vehicles; tow trucks; and any property carrying vehicles
11 being operated in commerce that are registered for a gross
12 weight of more than 8,000 lbs but less than 10,001 lbs.

13 The safety test shall include the testing and inspection
14 of brakes, lights, horns, reflectors, rear vision mirrors,
15 mufflers, safety chains, windshields and windshield wipers,
16 warning flags and flares, frame, axle, cab and body, or cab or
17 body, wheels, steering apparatus, and other safety devices and
18 appliances required by this Code and such other safety tests
19 as the Department may by rule or regulation require, for
20 second division vehicles, school buses, medical transport
21 vehicles, tow trucks, first division vehicles including taxis
22 which are used for a purpose that requires a school bus driver
23 permit, motor vehicles used for driver education training,
24 vehicles designed to carry 15 or fewer passengers operated by
25 a contract carrier transporting employees in the course of
26 their employment on a highway of this State, trailers, and

1 semitrailers subject to inspection.

2 For tow trucks, the safety test and inspection shall also
3 include the inspection of winch mountings, body panels, body
4 mounts, wheel lift swivel points, and sling straps, and other
5 tests and inspections the Department by rule requires for tow
6 trucks.

7 For driver education vehicles used by public high schools,
8 the vehicle must also be equipped with dual control brakes, a
9 mirror on each side of the vehicle so located as to reflect to
10 the driver a view of the highway for a distance of at least 200
11 feet to the rear, and a sign visible from the front and the
12 rear identifying the vehicle as a driver education car.

13 For trucks, truck tractors, trailers, semi-trailers, buses
14 engaged in interstate commerce as defined in Section 1-133 of
15 this Code, and first division vehicles including taxis which
16 are used for a purpose that requires a school bus driver
17 permit, the safety test shall be conducted in accordance with
18 the Minimum Periodic Inspection Standards promulgated by the
19 Federal Highway Administration of the U.S. Department of
20 Transportation and contained in Appendix G to Subchapter B of
21 Chapter III of Title 49 of the Code of Federal Regulations.
22 Those standards, as now in effect, are made a part of this
23 Code, in the same manner as though they were set out in full in
24 this Code.

25 The passing of the safety test shall not be a bar at any
26 time to prosecution for operating a second division vehicle,

1 medical transport vehicle, motor vehicle used for driver
2 education training, or vehicle designed to carry 15 or fewer
3 passengers operated by a contract carrier as provided in this
4 Section that is unsafe, as determined by the standards
5 prescribed in this Code.

6 (Source: P.A. 103-476, eff. 1-1-24; revised 8-19-24.)

7 Section 1040. The O'Hare Driver Safety Act is amended by
8 changing Section 10 as follows:

9 (625 ILCS 80/10)

10 Sec. 10. No stopping or standing within one-half mile of
11 O'Hare International Airport. Except where permitted, a person
12 operating a motor vehicle shall not stop or stand the ~~person's~~
13 vehicle on a shoulder of a highway along traffic routes within
14 a one-half mile radius of: (1) the eastern entrance to O'Hare
15 International Airport; and (2) the intersection of Interstate
16 90 and Interstate 294.

17 No person who is the lessor of a motor vehicle under a
18 written lease agreement shall be liable for an automated
19 traffic safety system violation involving such motor vehicle
20 during the period of the lease, unless, upon the request of the
21 appropriate authority received within 120 days after the
22 violation occurred, the lessor provides within 60 days after
23 such receipt the name and address of the lessee.

24 Upon the provision of information by the lessor under this

1 Section, the Authority may issue the violation to the lessee
2 of the vehicle in the same manner as it would issue a violation
3 to a registered owner of a vehicle, and the lessee may be held
4 liable for the violation.

5 This Section shall not apply to vehicles that are stopped
6 or standing in a restricted area if:

- 7 (1) a person is yielding to an emergency vehicle;
8 (2) the vehicle malfunctions;
9 (3) a person was directed to stop the person's vehicle
10 by a law enforcement officer;
11 (4) the vehicle was stolen prior to violation and not
12 controlled by the registered owner of the vehicle; or
13 (5) the driver of the vehicle received a Uniform
14 Traffic Citation from a police officer at the time of the
15 violation for the same offense.

16 (Source: P.A. 103-861, eff. 1-1-25; revised 10-21-24.)

17 Section 1045. The Public-Private Partnerships for
18 Transportation Act is amended by changing Section 10 as
19 follows:

20 (630 ILCS 5/10)

21 Sec. 10. Definitions. As used in this Act:

22 "Approved proposal" means the proposal that is approved by
23 the responsible public entity pursuant to subsection (j) of
24 Section 20 of this Act.

1 "Approved proposer" means the private entity whose
2 proposal is the approved proposal.

3 "Authority" means the Illinois State Toll Highway
4 Authority.

5 "Contractor" means a private entity that has entered into
6 a public-private agreement with the responsible public entity
7 to provide services to or on behalf of the responsible public
8 entity.

9 "Department" means the Illinois Department of
10 Transportation.

11 "Design-build agreement" means the agreement between the
12 selected private entity and the responsible public entity
13 under which the selected private entity agrees to furnish
14 design, construction, and related services for a
15 transportation facility under this Act.

16 "Develop" or "development" means to do one or more of the
17 following: plan, design, develop, lease, acquire, install,
18 construct, reconstruct, rehabilitate, extend, or expand.

19 "Maintain" or "maintenance" includes ordinary maintenance,
20 repair, rehabilitation, capital maintenance, maintenance
21 replacement, and any other categories of maintenance that may
22 be designated by the responsible public entity.

23 "Operate" or "operation" means to do one or more of the
24 following: maintain, improve, equip, modify, or otherwise
25 operate.

26 "Private entity" means any combination of one or more

1 individuals, corporations, general partnerships, limited
2 liability companies, limited partnerships, joint ventures,
3 business trusts, nonprofit entities, or other business
4 entities that are parties to a proposal for a transportation
5 project or an agreement related to a transportation project. A
6 public agency may provide services to a contractor as a
7 subcontractor or subconsultant without affecting the private
8 status of the private entity and the ability to enter into a
9 public-private agreement. A transportation agency is not a
10 private entity.

11 "Proposal" means all materials and documents prepared by
12 or on behalf of a private entity relating to the proposed
13 development, financing, or operation of a transportation
14 facility as a transportation project.

15 "Proposer" means a private entity that has submitted an
16 unsolicited proposal for a public-private agreement to a
17 responsible public entity under this Act or a proposal or
18 statement of qualifications for a public-private agreement in
19 response to a request for proposals or a request for
20 qualifications issued by a responsible public entity under
21 this Act.

22 "Public-private agreement" means the public-private
23 agreement between the contractor and the responsible public
24 entity relating to one or more of the development, financing,
25 or operation of a transportation project that is entered into
26 under this Act.

1 "Request for information" means all materials and
2 documents prepared by or on behalf of the responsible public
3 entity to solicit information from private entities with
4 respect to transportation projects.

5 "Request for proposals" means all materials and documents
6 prepared by or on behalf of the responsible public entity to
7 solicit proposals from private entities to enter into a
8 public-private agreement.

9 "Request for qualifications" means all materials and
10 documents prepared by or on behalf of the responsible public
11 entity to solicit statements of qualification from private
12 entities to enter into a public-private agreement.

13 "Responsible public entity" means the Department of
14 Transportation, the Illinois State Toll Highway Authority, and
15 the 5 most populous counties of Illinois, as of the most recent
16 publicly available decennial census.

17 "Revenues" means all revenues, including any combination
18 of: income; earnings and interest; user fees; lease payments;
19 allocations; federal, State, and local appropriations, grants,
20 loans, lines of credit, and credit guarantees; bond proceeds;
21 equity investments; service payments; or other receipts;
22 arising out of or in connection with a transportation project,
23 including the development, financing, and operation of a
24 transportation project. The term includes money received as
25 grants, loans, lines of credit, credit guarantees, or
26 otherwise in aid of a transportation project from the federal

1 government, the State, a unit of local government, or any
2 agency or instrumentality of the federal government, the
3 State, or a unit of local government.

4 "Shortlist" means the process by which a responsible
5 public entity will review, evaluate, and rank statements of
6 qualifications submitted in response to a request for
7 qualifications and then identify the proposers who are
8 eligible to submit a detailed proposal in response to a
9 request for proposals. The identified proposers constitute the
10 shortlist for the transportation project to which the request
11 for proposals relates.

12 "Transportation agency" means (i) the Department or (ii)
13 the Authority.

14 "Transportation facility" means any new or existing road,
15 highway, toll highway, bridge, tunnel, intermodal facility,
16 intercity or high-speed passenger rail, or other
17 transportation facility or infrastructure, including the South
18 Suburban Airport but excluding all other airports, under the
19 jurisdiction of a responsible public entity, except those
20 facilities for the Illiana Expressway. The term
21 "transportation facility" may refer to one or more
22 transportation facilities that are proposed to be developed or
23 operated as part of a single transportation project.

24 "Transportation project" or "project" means any or the
25 combination of the design, development, construction,
26 financing, or operation with respect to all or a portion of any

1 transportation facility under the jurisdiction of the
2 responsible public entity, except those facilities for the
3 Illiana Expressway, undertaken pursuant to this Act.

4 "Unit of local government" has the meaning ascribed to
5 that term in Article VII, Section 1 of the Constitution of the
6 State of Illinois and also means any unit designated as a
7 municipal corporation.

8 "Unsolicited proposal" means a written proposal that is
9 submitted to a transportation agency on the initiative of the
10 private sector entity or entities for the purpose of
11 developing a partnership, and that is not in response to a
12 formal or informal request issued by a transportation agency.

13 "User fees" or "tolls" means the rates, tolls, fees, or
14 other charges imposed by the contractor for use of all or a
15 portion of a transportation project under a public-private
16 agreement.

17 (Source: P.A. 103-570, eff. 1-1-24; 103-864, eff. 8-9-24;
18 103-865, eff. 1-1-25; revised 10-9-24.)

19 Section 1050. The Criminal and Traffic Assessment Act is
20 amended by changing Sections 15-52 and 15-70 as follows:

21 (705 ILCS 135/15-52)

22 Sec. 15-52. SCHEDULE 10.5; truck weight and load offenses.

23 SCHEDULE 10.5: For an offense ~~offenses~~ under subsection

24 (d) of Section 3-401 or Section 15-111 of the Illinois

1 Vehicle Code, or an offense punishable by fine under Section
2 15-113.1, 15-113.2, or 15-113.3 of the Illinois Vehicle Code,
3 the Clerk of the Circuit Court shall collect \$260 and remit as
4 follows:

5 (1) As the county's portion, \$168 to the county treasurer,
6 who shall deposit the money as follows:

7 (A) \$20 into the Court Automation Fund;

8 (B) \$20 into the Court Document Storage Fund;

9 (C) \$5 into the Circuit Court Clerk Operation and
10 Administrative Fund;

11 (D) \$8 into the Circuit Court Clerk Electronic
12 Citation Fund; and

13 (E) \$115 into the county's General Fund.

14 (2) As the State's portion, \$92 to the State Treasurer,
15 who shall deposit the money as follows:

16 (A) \$31 into the State Police Merit Board Public
17 Safety Fund, regardless of the type of overweight citation
18 or arresting law enforcement agency;

19 (B) \$31 into the Traffic and Criminal Conviction
20 Surcharge Fund; and

21 (C) \$30 to the State Police Operations Assistance
22 Fund.

23 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
24 revised 7-24-24.)

25 (705 ILCS 135/15-70)

1 Sec. 15-70. Conditional assessments. In addition to
2 payments under one of the Schedule of Assessments 1 through 13
3 of this Act, the court shall also order payment of any of the
4 following conditional assessment amounts for each sentenced
5 violation in the case to which a conditional assessment is
6 applicable, which shall be collected and remitted by the Clerk
7 of the Circuit Court as provided in this Section:

8 (1) arson, residential arson, or aggravated arson,
9 \$500 per conviction to the State Treasurer for deposit
10 into the Fire Prevention Fund;

11 (2) child pornography under Section 11-20.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, \$500
13 per conviction, unless more than one agency is responsible
14 for the arrest in which case the amount shall be remitted
15 to each unit of government equally:

16 (A) if the arresting agency is an agency of a unit
17 of local government, \$500 to the treasurer of the unit
18 of local government for deposit into the unit of local
19 government's General Fund, except that if the Illinois
20 State Police provides digital or electronic forensic
21 examination assistance, or both, to the arresting
22 agency then \$100 to the State Treasurer for deposit
23 into the State Crime Laboratory Fund; or

24 (B) if the arresting agency is the Illinois State
25 Police, \$500 to the State Treasurer for deposit into
26 the State Crime Laboratory Fund;

1 (3) crime laboratory drug analysis for a drug-related
2 offense involving possession or delivery of cannabis or
3 possession or delivery of a controlled substance as
4 defined in the Cannabis Control Act, the Illinois
5 Controlled Substances Act, or the Methamphetamine Control
6 and Community Protection Act, \$100 reimbursement for
7 laboratory analysis, as set forth in subsection (f) of
8 Section 5-9-1.4 of the Unified Code of Corrections;

9 (4) DNA analysis, \$250 on each conviction in which it
10 was used to the State Treasurer for deposit into the State
11 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
12 the Unified Code of Corrections;

13 (5) DUI analysis, \$150 on each sentenced violation in
14 which it was used as set forth in subsection (f) of Section
15 5-9-1.9 of the Unified Code of Corrections;

16 (6) drug-related offense involving possession or
17 delivery of cannabis or possession or delivery of a
18 controlled substance, other than methamphetamine, as
19 defined in the Cannabis Control Act or the Illinois
20 Controlled Substances Act, an amount not less than the
21 full street value of the cannabis or controlled substance
22 seized for each conviction to be disbursed as follows:

23 (A) 12.5% of the street value assessment shall be
24 paid into the Youth Drug Abuse Prevention Fund, to be
25 used by the Department of Human Services for the
26 funding of programs and services for drug-abuse

1 treatment, and prevention and education services;

2 (B) 37.5% to the county in which the charge was
3 prosecuted, to be deposited into the county General
4 Fund;

5 (C) 50% to the treasurer of the arresting law
6 enforcement agency of the municipality or county, or
7 to the State Treasurer if the arresting agency was a
8 state agency, to be deposited as provided in
9 subsection (c) of Section 10-5;

10 (D) if the arrest was made in combination with
11 multiple law enforcement agencies, the clerk shall
12 equitably allocate the portion in subparagraph (C) of
13 this paragraph (6) among the law enforcement agencies
14 involved in the arrest;

15 (6.5) Kane County or Will County, in felony,
16 misdemeanor, local or county ordinance, traffic, or
17 conservation cases, up to \$30 as set by the county board
18 under Section 5-1101.3 of the Counties Code upon the entry
19 of a judgment of conviction, an order of supervision, or a
20 sentence of probation without entry of judgment under
21 Section 10 of the Cannabis Control Act, Section 410 of the
22 Illinois Controlled Substances Act, Section 70 of the
23 Methamphetamine Control and Community Protection Act,
24 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
25 the Criminal Code of 1961 or the Criminal Code of 2012,
26 Section 10-102 of the Illinois Alcoholism and Other Drug

1 Dependency Act, or Section 10 of the Steroid Control Act;
2 except in local or county ordinance, traffic, and
3 conservation cases, if fines are paid in full without a
4 court appearance, then the assessment shall not be imposed
5 or collected. Distribution of assessments collected under
6 this paragraph (6.5) shall be as provided in Section
7 5-1101.3 of the Counties Code;

8 (7) methamphetamine-related offense involving
9 possession or delivery of methamphetamine or any salt of
10 an optical isomer of methamphetamine or possession of a
11 methamphetamine manufacturing material as set forth in
12 Section 10 of the Methamphetamine Control and Community
13 Protection Act with the intent to manufacture a substance
14 containing methamphetamine or salt of an optical isomer of
15 methamphetamine, an amount not less than the full street
16 value of the methamphetamine or salt of an optical isomer
17 of methamphetamine or methamphetamine manufacturing
18 materials seized for each conviction to be disbursed as
19 follows:

20 (A) 12.5% of the street value assessment shall be
21 paid into the Youth Drug Abuse Prevention Fund, to be
22 used by the Department of Human Services for the
23 funding of programs and services for drug-abuse
24 treatment, and prevention and education services;

25 (B) 37.5% to the county in which the charge was
26 prosecuted, to be deposited into the county General

1 Fund;

2 (C) 50% to the treasurer of the arresting law
3 enforcement agency of the municipality or county, or
4 to the State Treasurer if the arresting agency was a
5 state agency, to be deposited as provided in
6 subsection (c) of Section 10-5;

7 (D) if the arrest was made in combination with
8 multiple law enforcement agencies, the clerk shall
9 equitably allocate the portion in subparagraph (C) of
10 this paragraph (6) among the law enforcement agencies
11 involved in the arrest;

12 (8) order of protection violation under Section 12-3.4
13 of the Criminal Code of 2012, \$200 for each conviction to
14 the county treasurer for deposit into the Probation and
15 Court Services Fund for implementation of a domestic
16 violence surveillance program and any other assessments or
17 fees imposed under Section 5-9-1.16 of the Unified Code of
18 Corrections;

19 (9) order of protection violation, \$25 for each
20 violation to the State Treasurer, for deposit into the
21 Domestic Violence Abuser Services Fund;

22 (10) prosecution by the State's Attorney of a:

23 (A) petty or business offense, \$4 to the county
24 treasurer of which \$2 deposited into the State's
25 Attorney Records Automation Fund and \$2 into the
26 Public Defender Records Automation Fund;

1 (B) conservation or traffic offense, \$2 to the
2 county treasurer for deposit into the State's Attorney
3 Records Automation Fund;

4 (11) speeding in a construction zone violation, \$250
5 to the State Treasurer for deposit into the Transportation
6 Safety Highway Hire-back Fund, unless (i) the violation
7 occurred on a highway other than an interstate highway and
8 (ii) a county police officer wrote the ticket for the
9 violation, in which case to the county treasurer for
10 deposit into that county's Transportation Safety Highway
11 Hire-back Fund;

12 (12) supervision disposition on an offense under the
13 Illinois Vehicle Code or similar provision of a local
14 ordinance, 50 cents, unless waived by the court, into the
15 Prisoner Review Board Vehicle and Equipment Fund;

16 (13) victim and offender are family or household
17 members as defined in Section 103 of the Illinois Domestic
18 Violence Act of 1986 and offender pleads guilty or no
19 contest to or is convicted of murder, voluntary
20 manslaughter, involuntary manslaughter, burglary,
21 residential burglary, criminal trespass to residence,
22 criminal trespass to vehicle, criminal trespass to land,
23 criminal damage to property, telephone harassment,
24 kidnapping, aggravated kidnapping, unlawful restraint,
25 forcible detention, child abduction, indecent solicitation
26 of a child, sexual relations between siblings,

1 exploitation of a child, child pornography, assault,
2 aggravated assault, battery, aggravated battery, heinous
3 battery, aggravated battery of a child, domestic battery,
4 reckless conduct, intimidation, criminal sexual assault,
5 predatory criminal sexual assault of a child, aggravated
6 criminal sexual assault, criminal sexual abuse, aggravated
7 criminal sexual abuse, violation of an order of
8 protection, disorderly conduct, endangering the life or
9 health of a child, child abandonment, contributing to
10 dependency or neglect of child, or cruelty to children and
11 others, \$200 for each sentenced violation to the State
12 Treasurer for deposit as follows: (i) for sexual assault,
13 as defined in Section 5-9-1.7 of the Unified Code of
14 Corrections, when the offender and victim are family
15 members, one-half to the Domestic Violence Shelter and
16 Service Fund, and one-half to the Sexual Assault Services
17 Fund; (ii) for the remaining offenses to the Domestic
18 Violence Shelter and Service Fund;

19 (14) violation of Section 11-501 of the Illinois
20 Vehicle Code, Section 5-7 of the Snowmobile Registration
21 and Safety Act, Section 5-16 of the Boat Registration and
22 Safety Act, or a similar provision, whose operation of a
23 motor vehicle, snowmobile, or watercraft while in
24 violation of Section 11-501, Section 5-7 of the Snowmobile
25 Registration and Safety Act, Section 5-16 of the Boat
26 Registration and Safety Act, or a similar provision

1 proximately caused an incident resulting in an appropriate
2 emergency response, \$1,000 maximum to the public agency
3 that provided an emergency response related to the
4 person's violation, or as provided in subsection (c) of
5 Section 10-5 if the arresting agency was a State agency,
6 unless more than one agency was responsible for the
7 arrest, in which case the amount shall be remitted to each
8 unit of government equally;

9 (15) violation of Section 401, 407, or 407.2 of the
10 Illinois Controlled Substances Act that proximately caused
11 any incident resulting in an appropriate drug-related
12 emergency response, \$1,000 as reimbursement for the
13 emergency response to the law enforcement agency that made
14 the arrest, or as provided in subsection (c) of Section
15 10-5 if the arresting agency was a State agency, unless
16 more than one agency was responsible for the arrest, in
17 which case the amount shall be remitted to each unit of
18 government equally;

19 (16) violation of reckless driving, aggravated
20 reckless driving, or driving 26 miles per hour or more in
21 excess of the speed limit that triggered an emergency
22 response, \$1,000 maximum reimbursement for the emergency
23 response to be distributed in its entirety to a public
24 agency that provided an emergency response related to the
25 person's violation, or as provided in subsection (c) of
26 Section 10-5 if the arresting agency was a State agency,

1 unless more than one agency was responsible for the
2 arrest, in which case the amount shall be remitted to each
3 unit of government equally;

4 (17) violation based upon each plea of guilty,
5 stipulation of facts, or finding of guilt resulting in a
6 judgment of conviction or order of supervision for an
7 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
8 the Criminal Code of 2012 that results in the imposition
9 of a fine, to be distributed as follows:

10 (A) \$50 to the county treasurer for deposit into
11 the Circuit Court Clerk Operation and Administrative
12 Fund to cover the costs in administering this
13 paragraph (17);

14 (B) \$300 to the State Treasurer who shall deposit
15 the portion as follows:

16 (i) if the arresting or investigating agency
17 is the Illinois State Police, into the State
18 Police Law Enforcement Administration Fund;

19 (ii) if the arresting or investigating agency
20 is the Department of Natural Resources, into the
21 Conservation Police Operations Assistance Fund;

22 (iii) if the arresting or investigating agency
23 is the Secretary of State, into the Secretary of
24 State Police Services Fund;

25 (iv) if the arresting or investigating agency
26 is the Illinois Commerce Commission, into the

1 Transportation Regulatory Fund; or

2 (v) if more than one of the State agencies in
3 this subparagraph (B) is the arresting or
4 investigating agency, then equal shares with the
5 shares deposited as provided in the applicable
6 items (i) through (iv) of this subparagraph (B);
7 and

8 (C) the remainder for deposit into the Specialized
9 Services for Survivors of Human Trafficking Fund;

10 (18) weapons violation under Section 24-1.1, 24-1.2,
11 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
12 of 2012, \$100 for each conviction to the State Treasurer
13 for deposit into the Trauma Center Fund; ~~and~~

14 (19) violation of subsection (c) of Section 11-907 of
15 the Illinois Vehicle Code, \$250 to the State Treasurer for
16 deposit into the Scott's Law Fund, unless a county or
17 municipal police officer wrote the ticket for the
18 violation, in which case to the county treasurer for
19 deposit into that county's or municipality's
20 Transportation Safety Highway Hire-back Fund to be used as
21 provided in subsection (j) of Section 11-907 of the
22 Illinois Vehicle Code; and ~~and~~

23 (20) violation of Section 15-109.1 of the Illinois
24 Vehicle Code, \$150 to be distributed as follows:

25 (A) 50% to the county treasurer for deposit into
26 the county general fund; and

1 (B) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county or to
3 the State Treasurer, if the arresting agency was a
4 State agency, to be deposited as provided in
5 subsection (c) of Section 10-5.

6 Except for traffic violations, fines, and assessments,
7 such as fees or administrative costs authorized in this
8 Section, shall not be ordered or imposed on a minor subject to
9 Article III, IV, or V of the Juvenile Court Act of 1987, or a
10 minor under the age of 18 transferred to adult court or
11 excluded from juvenile court jurisdiction under Article V of
12 the Juvenile Court Act of 1987, or the minor's parent,
13 guardian, or legal custodian.

14 (Source: P.A. 102-145, eff. 7-23-21; 102-505, eff. 8-20-21;
15 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-379, eff.
16 7-28-23; 103-730, eff. 1-1-25; revised 11-23-24.)

17 Section 1055. The Juvenile Court Act of 1987 is amended by
18 changing Sections 4-6 and 5-915 as follows:

19 (705 ILCS 405/4-6) (from Ch. 37, par. 804-6)

20 Sec. 4-6. Temporary custody. "Temporary custody" means the
21 temporary placement of the minor out of the custody of the
22 minor's guardian or parent.

23 (a) "Temporary protective custody" means custody within a
24 hospital or other medical facility or a place previously

1 designated for such custody by the Department, subject to
2 review by the court ~~Court~~, including a licensed foster home,
3 group home, or other institution; but such place shall not be a
4 jail or other place for the detention of criminal or juvenile
5 offenders.

6 (b) "Shelter care" means a physically unrestrictive
7 facility designated by the Department of Children and Family
8 Services or a licensed child welfare agency or other suitable
9 place designated by the court for a minor who requires care
10 away from the minor's home.

11 (Source: P.A. 103-22, eff. 8-8-23; revised 7-22-24.)

12 (705 ILCS 405/5-915)

13 Sec. 5-915. Expungement of juvenile law enforcement and
14 juvenile court records.

15 (0.05) (Blank).

16 (0.1) (a) The Illinois State Police and all law enforcement
17 agencies within the State shall automatically expunge, on or
18 before January 1 of each year, except as described in
19 paragraph (c) of this subsection (0.1), all juvenile law
20 enforcement records relating to events occurring before an
21 individual's 18th birthday if:

22 (1) one year or more has elapsed since the date of the
23 arrest or law enforcement interaction documented in the
24 records;

25 (2) no petition for delinquency or criminal charges

1 were filed with the clerk of the circuit court relating to
2 the arrest or law enforcement interaction documented in
3 the records; and

4 (3) 6 months have elapsed since the date of the arrest
5 without an additional subsequent arrest or filing of a
6 petition for delinquency or criminal charges whether
7 related or not to the arrest or law enforcement
8 interaction documented in the records.

9 (b) If the law enforcement agency is unable to verify
10 satisfaction of conditions (2) and (3) of this subsection
11 (0.1), records that satisfy condition (1) of this subsection
12 (0.1) shall be automatically expunged if the records relate to
13 an offense that if committed by an adult would not be an
14 offense classified as a Class 2 felony or higher, an offense
15 under Article 11 of the Criminal Code of 1961 or Criminal Code
16 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
17 12-15, or 12-16 of the Criminal Code of 1961.

18 (c) If the juvenile law enforcement record was received
19 through a public submission to a statewide student
20 confidential reporting system administered by the Illinois
21 State Police, the record will be maintained for a period of 5
22 years according to all other provisions in this subsection
23 (0.1).

24 (0.15) If a juvenile law enforcement record meets
25 paragraph (a) of subsection (0.1) of this Section, a juvenile
26 law enforcement record created:

1 (1) prior to January 1, 2018, but on or after January
2 1, 2013 shall be automatically expunged prior to January
3 1, 2020;

4 (2) prior to January 1, 2013, but on or after January
5 1, 2000, shall be automatically expunged prior to January
6 1, 2023; and

7 (3) prior to January 1, 2000 shall not be subject to
8 the automatic expungement provisions of this Act.

9 Nothing in this subsection (0.15) shall be construed to
10 restrict or modify an individual's right to have the person's
11 juvenile law enforcement records expunged except as otherwise
12 may be provided in this Act.

13 (0.2) (a) Upon dismissal of a petition alleging delinquency
14 or upon a finding of not delinquent, the successful
15 termination of an order of supervision, or the successful
16 termination of an adjudication for an offense which would be a
17 Class B misdemeanor, Class C misdemeanor, or a petty or
18 business offense if committed by an adult, the court shall
19 automatically order the expungement of the juvenile court
20 records and juvenile law enforcement records. The clerk shall
21 deliver a certified copy of the expungement order to the
22 Illinois State Police and the arresting agency. Upon request,
23 the State's Attorney shall furnish the name of the arresting
24 agency. The expungement shall be completed within 60 business
25 days after the receipt of the expungement order.

26 (b) If the chief law enforcement officer of the agency, or

1 the chief law enforcement officer's designee, certifies in
2 writing that certain information is needed for a pending
3 investigation involving the commission of a felony, that
4 information, and information identifying the juvenile, may be
5 retained until the statute of limitations for the felony has
6 run. If the chief law enforcement officer of the agency, or the
7 chief law enforcement officer's designee, certifies in writing
8 that certain information is needed with respect to an internal
9 investigation of any law enforcement office, that information
10 and information identifying the juvenile may be retained
11 within an intelligence file until the investigation is
12 terminated or the disciplinary action, including appeals, has
13 been completed, whichever is later. Retention of a portion of
14 a juvenile's law enforcement record does not disqualify the
15 remainder of a juvenile's record from immediate automatic
16 expungement.

17 (0.3)(a) Upon an adjudication of delinquency based on any
18 offense except a disqualified offense, the juvenile court
19 shall automatically order the expungement of the juvenile
20 court and law enforcement records 2 years after the juvenile's
21 case was closed if no delinquency or criminal proceeding is
22 pending and the person has had no subsequent delinquency
23 adjudication or criminal conviction. On the date that the
24 minor's sentence ends or the date that the court enters an
25 order committing the minor to the Department of Juvenile
26 Justice, the juvenile court judge shall schedule a date to

1 enter the automatic expungement order. The minor must be
2 notified but shall not be required to be present for the
3 scheduled court date when automatic expungement is to be
4 ordered. If the minor is not yet eligible on the originally
5 scheduled date, the court shall schedule a subsequent date to
6 enter the automatic expungement order. The clerk shall deliver
7 a certified copy of the expungement order to the Illinois
8 State Police and the arresting agency. Upon request, the
9 State's Attorney shall furnish the name of the arresting
10 agency. The expungement shall be completed within 60 business
11 days after the receipt of the expungement order. In this
12 subsection (0.3), "disqualified offense" means any of the
13 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
14 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
16 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,
17 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,
18 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
19 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
20 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
21 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
22 of subsection (a) of Section 11-14.4, subsection (a-5) of
23 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)
24 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
25 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
26 subparagraph (i) of paragraph (1) of subsection (a) of Section

1 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
2 Section 24-1.6, paragraph (1) of subsection (a) of Section
3 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
4 of 2012.

5 (b) If the chief law enforcement officer of the agency, or
6 the chief law enforcement officer's designee, certifies in
7 writing that certain information is needed for a pending
8 investigation involving the commission of a felony, that
9 information, and information identifying the juvenile, may be
10 retained in an intelligence file until the investigation is
11 terminated or for one additional year, whichever is sooner.
12 Retention of a portion of a juvenile's juvenile law
13 enforcement record does not disqualify the remainder of a
14 juvenile's record from immediate automatic expungement.

15 (0.4) Automatic expungement for the purposes of this
16 Section shall not require law enforcement agencies to
17 obliterate or otherwise destroy juvenile law enforcement
18 records that would otherwise need to be automatically expunged
19 under this Act, except after 2 years following the subject
20 arrest for purposes of use in civil litigation against a
21 governmental entity or its law enforcement agency or personnel
22 which created, maintained, or used the records. However, these
23 juvenile law enforcement records shall be considered expunged
24 for all other purposes during this period and the offense,
25 which the records or files concern, shall be treated as if it
26 never occurred as required under Section 5-923.

1 (0.5) Subsection (0.1) or (0.2) of this Section does not
2 apply to violations of traffic, boating, fish and game laws,
3 or county or municipal ordinances.

4 (0.6) Juvenile law enforcement records of a plaintiff who
5 has filed civil litigation against the governmental entity or
6 its law enforcement agency or personnel that created,
7 maintained, or used the records, or juvenile law enforcement
8 records that contain information related to the allegations
9 set forth in the civil litigation may not be expunged until
10 after 2 years have elapsed after the conclusion of the
11 lawsuit, including any appeal.

12 (0.7) Officer-worn body camera recordings shall not be
13 automatically expunged except as otherwise authorized by the
14 Law Enforcement Officer-Worn Body Camera Act.

15 (1) Whenever a person has been arrested, charged, or
16 adjudicated delinquent for an incident occurring before a
17 person's 18th birthday that if committed by an adult would be
18 an offense, and that person's juvenile law enforcement and
19 juvenile court records are not eligible for automatic
20 expungement under subsection (0.1), (0.2), or (0.3), the
21 person may petition the court at any time at no cost to the
22 person for expungement of juvenile law enforcement records and
23 juvenile court records relating to the incident and, upon
24 termination of all juvenile court proceedings relating to that
25 incident, the court shall order the expungement of all records
26 in the possession of the Illinois State Police, the clerk of

1 the circuit court, and law enforcement agencies relating to
2 the incident, but only in any of the following circumstances:

3 (a) the minor was arrested and no petition for
4 delinquency was filed with the clerk of the circuit court;

5 (a-5) the minor was charged with an offense and the
6 petition or petitions were dismissed without a finding of
7 delinquency;

8 (b) the minor was charged with an offense and was
9 found not delinquent of that offense;

10 (c) the minor was placed under supervision under
11 Section 5-615, and the order of supervision has since been
12 successfully terminated; or

13 (d) the minor was adjudicated for an offense which
14 would be a Class B misdemeanor, Class C misdemeanor, or a
15 petty or business offense if committed by an adult.

16 (1.5) At no cost to the person, the Illinois State Police
17 shall allow a person to use the Access and Review process,
18 established in the Illinois State Police, for verifying that
19 the person's juvenile law enforcement records relating to
20 incidents occurring before the person's 18th birthday eligible
21 under this Act have been expunged.

22 (1.6) (Blank).

23 (1.7) (Blank).

24 (1.8) (Blank).

25 (2) Any person whose delinquency adjudications are not
26 eligible for automatic expungement under subsection (0.3) of

1 this Section may petition the court at no cost to the person to
2 expunge all juvenile law enforcement records relating to any
3 incidents occurring before the person's 18th birthday which
4 did not result in proceedings in criminal court and all
5 juvenile court records with respect to any adjudications
6 except those based upon first degree murder or an offense
7 under Article 11 of the Criminal Code of 2012 if the person is
8 required to register under the Sex Offender Registration Act
9 at the time the person petitions the court for expungement;
10 provided that 2 years have elapsed since all juvenile court
11 proceedings relating to the person have been terminated and
12 the person's commitment to the Department of Juvenile Justice
13 under this Act has been terminated.

14 (2.5) If a minor is arrested and no petition for
15 delinquency is filed with the clerk of the circuit court at the
16 time the minor is released from custody, the youth officer, if
17 applicable, or other designated person from the arresting
18 agency, shall notify verbally and in writing to the minor or
19 the minor's parents or guardians that the minor shall have an
20 arrest record and shall provide the minor and the minor's
21 parents or guardians with an expungement information packet,
22 information regarding this State's expungement laws including
23 a petition to expunge juvenile law enforcement and juvenile
24 court records obtained from the clerk of the circuit court.

25 (2.6) If a minor is referred to court, then, at the time of
26 sentencing, dismissal of the case, or successful completion of

1 supervision, the judge shall inform the delinquent minor of
2 the minor's rights regarding expungement and the clerk of the
3 circuit court shall provide an expungement information packet
4 to the minor, written in plain language, including information
5 regarding this State's expungement laws and a petition for
6 expungement, a sample of a completed petition, expungement
7 instructions that shall include information informing the
8 minor that (i) once the case is expunged, it shall be treated
9 as if it never occurred, (ii) the minor shall not be charged a
10 fee to petition for expungement, (iii) once the minor obtains
11 an expungement, the minor may not be required to disclose that
12 the minor had a juvenile law enforcement or juvenile court
13 record, and (iv) if petitioning the minor may file the
14 petition on the minor's own or with the assistance of an
15 attorney. The failure of the judge to inform the delinquent
16 minor of the minor's right to petition for expungement as
17 provided by law does not create a substantive right, nor is
18 that failure grounds for: (i) a reversal of an adjudication of
19 delinquency; (ii) a new trial; or (iii) an appeal.

20 (2.6-1) A trafficking victim, as defined by paragraph (10)
21 of subsection (a) of Section 10-9 of the Criminal Code of 2012,
22 may petition for vacation and expungement or immediate sealing
23 of his or her juvenile court records and juvenile law
24 enforcement records relating to events that resulted in the
25 victim's adjudication of delinquency for an offense if
26 committed by an adult would be a violation of the criminal laws

1 occurring before the victim's 18th birthday upon the
2 completion of his or her juvenile court sentence if his or her
3 participation in the underlying offense was a result of human
4 trafficking under Section 10-9 of the Criminal Code of 2012 or
5 a severe form of trafficking under the federal Trafficking
6 Victims Protection Act.

7 (2.7) (Blank).

8 (2.8) (Blank).

9 (3) (Blank).

10 (3.1) (Blank).

11 (3.2) (Blank).

12 (3.3) (Blank).

13 (4) (Blank).

14 (5) (Blank).

15 (5.5) Whether or not expunged, records eligible for
16 automatic expungement under subdivision (0.1)(a), (0.2)(a), or
17 (0.3)(a) may be treated as expunged by the individual subject
18 to the records.

19 (6) (Blank).

20 (6.5) The Illinois State Police or any employee of the
21 Illinois State Police shall be immune from civil or criminal
22 liability for failure to expunge any records of arrest that
23 are subject to expungement under this Section because of
24 inability to verify a record. Nothing in this Section shall
25 create Illinois State Police liability or responsibility for
26 the expungement of juvenile law enforcement records it does

1 not possess.

2 (7) (Blank).

3 (7.5) (Blank).

4 (8) The expungement of juvenile law enforcement or
5 juvenile court records under subsection (0.1), (0.2), or (0.3)
6 of this Section shall be funded by appropriation by the
7 General Assembly for that purpose.

8 (9) (Blank).

9 (10) (Blank).

10 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
11 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.
12 6-30-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24; 103-717,
13 eff. 1-1-25; 103-787, eff. 1-1-25; revised 11-26-24.)

14 Section 1060. The Criminal Code of 2012 is amended by
15 changing Sections 11-23.7, 17-11.2, and 24-2 as follows:

16 (720 ILCS 5/11-23.7)

17 Sec. 11-23.7. Non-consensual dissemination of sexually
18 explicit digitized depictions.

19 (a) Definitions. For the purposes of this Section:

20 "Intimate parts" means the fully unclothed, partially
21 unclothed or transparently clothed genitals, pubic area, anus,
22 or if the person is female, a partially or fully exposed
23 nipple, including exposure through transparent clothing.

24 "Personal identifying information" has the meaning

1 ascribed to it in Section 16-0.1.

2 "Sexual activity" means:

3 (1) any knowing touching or fondling of the victim or
4 another person or animal, either directly or through
5 clothing, of the sex organs, anus, or breast of the victim
6 or another person or animal for the purpose of sexual
7 gratification or arousal;

8 (2) any transfer or transmission of semen upon any
9 part of the clothed or unclothed body of the victim, for
10 the purpose of sexual gratification or arousal of the
11 victim or another;

12 (3) an act of urination within a sexual context;

13 (4) any bondage, fetter, or sadism masochism; or

14 (5) sadomasochism abuse in any sexual context.

15 "Sexually explicit digitized depiction" means any image,
16 photograph, film, video, digital recording, or other depiction
17 or portrayal that has been created, altered, or otherwise
18 modified to realistically depict either:

19 (1) the intimate parts of another human being as the
20 intimate parts of the depicted individual or
21 computer-generated intimate parts as the intimate parts of
22 the depicted individual; or

23 (2) the depicted individual engaging in sexual
24 activity in which the depicted individual did not engage.

25 (b) A person commits non-consensual dissemination of
26 sexually explicit digitized depictions when the person:

1 (1) intentionally disseminates a sexually explicit
2 digitized depiction of another person who is identifiable
3 from the image itself, or whose personal identifying
4 information is displayed or disseminated in connection
5 with the image, or whose identity ~~identify~~ is known to the
6 person who disseminates the image; and

7 (2) knows or should have known that the person in the
8 image has not consented to the dissemination.

9 (c) The following activities are exempt from the
10 provisions of this Section:

11 (1) The intentional dissemination of an image of
12 another identifiable person who is engaged in a sexual act
13 or whose intimate parts are exposed when the dissemination
14 is made for the purpose of a criminal investigation that
15 is otherwise lawful.

16 (2) The intentional dissemination of an image of
17 another identifiable person who is engaged in a sexual act
18 or whose intimate parts are exposed when the dissemination
19 is for the purpose of, or in connection with, the
20 reporting of unlawful conduct.

21 (3) The intentional dissemination of an image of
22 another identifiable person who is engaged in a sexual act
23 or whose intimate parts are exposed when the images
24 involve voluntary exposure in public or commercial
25 settings.

26 (4) The intentional dissemination of an image of

1 another identifiable person who is engaged in a sexual act
2 or whose intimate parts are exposed when the dissemination
3 serves a lawful public purpose.

4 (d) Nothing in this Section shall be construed to impose
5 liability upon the following entities solely as a result of
6 content or information provided by another person:

7 (1) an interactive computer service, as defined in 47
8 U.S.C. 230(f)(2);

9 (2) a provider of public mobile services or private
10 radio services, as defined in Section 13-214 of the Public
11 Utilities Act; or

12 (3) a telecommunications network or broadband
13 provider.

14 (e) A person convicted under this Section is subject to
15 the forfeiture provisions in Article 124B of the Code of
16 Criminal Procedure of 1963.

17 (f) Sentence. Non-consensual dissemination of sexually
18 explicit digitized depictions is a Class 4 felony.

19 (Source: P.A. 103-825, eff. 1-1-25; revised 10-24-24.)

20 (720 ILCS 5/17-11.2)

21 Sec. 17-11.2. Airbag fraud.

22 (a) Definitions. In this Section:

23 "Airbag" means a motor vehicle inflatable occupant
24 restraint system device that is part of a vehicle's
25 supplemental restraint system.

1 "Counterfeit supplemental restraint system component"
2 means a replacement supplemental restraint system component,
3 including, but not limited to, an airbag, that displays a mark
4 identical to, or substantially similar to, the genuine mark of
5 a motor vehicle manufacturer or a supplier of parts to the
6 manufacturer of a motor vehicle without authorization from
7 that manufacturer or supplier, respectively.

8 "Non-functional airbag" means a replacement airbag that
9 meets any of the following criteria:

10 (1) the airbag was previously deployed or damaged;

11 (2) the airbag has an electric fault that is detected
12 by the vehicle's diagnostic system when the installation
13 procedure is completed and the vehicle is returned to the
14 customer who requested the work to be performed or when
15 ownership is intended to be transferred;

16 (3) the airbag includes a part or object, including a
17 supplemental restraint system component, that is installed
18 in a motor vehicle to mislead the owner or operator of the
19 motor vehicle into believing that a functional airbag has
20 been installed; or

21 (4) the airbag is subject to the provisions of 49
22 U.S.C. 30120(j).

23 "Supplemental restraint system" means a passive inflatable
24 motor vehicle occupant crash protection system designed for
25 use in conjunction with a seat belt assembly as defined in 49
26 CFR 571.209. "Supplemental restraint system" includes one or

1 more airbags and all components required to ensure that an
2 airbag ~~air bag~~ works as designed by the vehicle manufacturer,
3 including both of the following:

4 (1) the airbag operates as designed in the event of a
5 crash; and

6 (2) the airbag is designed to meet federal motor
7 vehicle safety standards for the specific make, model, and
8 year of the vehicle in which it is or will be installed.

9 (b) A person commits airbag fraud when he or she, for
10 consideration, knowingly:

11 (1) imports, manufactures, sells, offers for sale,
12 installs, or reinstalls in a vehicle a counterfeit
13 supplemental restraint system component, a non-functional
14 airbag, or an object that does not comply with federal
15 safety regulations for the make, model, and year of the
16 vehicle in which it is or will be installed;

17 (2) sells, offers for sale, installs, or reinstalls in
18 any motor vehicle a device that causes a motor vehicle's
19 diagnostic system to inaccurately indicate that the motor
20 vehicle is equipped with a properly functioning airbag; or

21 (3) sells, leases, trades, or transfers a motor
22 vehicle if the person knows that a counterfeit
23 supplemental restraint system component, a non-functional
24 airbag, or an object that does not comply with federal
25 safety regulations for the make, model, and year of the
26 vehicle as part of a vehicle inflatable restraint system.

1 (c) This Section does not apply to an owner or employee of
2 a motor vehicle dealership or the owner of a vehicle, who,
3 before the sale of the vehicle, does not have knowledge that
4 the vehicle's airbag, or another component of the vehicle's
5 supplemental restraint system, is counterfeit or
6 non-functioning.

7 (d) Sentence. A violation of this Section is a Class A
8 misdemeanor.

9 (Source: P.A. 103-900, eff. 8-9-24; revised 10-21-24.)

10 (720 ILCS 5/24-2)

11 Sec. 24-2. Exemptions.

12 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
13 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
14 the following:

15 (1) Peace officers, and any person summoned by a peace
16 officer to assist in making arrests or preserving the
17 peace, while actually engaged in assisting such officer.

18 (2) Wardens, superintendents, and keepers of prisons,
19 penitentiaries, jails, and other institutions for the
20 detention of persons accused or convicted of an offense,
21 while in the performance of their official duty, or while
22 commuting between their homes and places of employment.

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard or the
25 Reserve Officers Training Corps, while in the performance

1 of their official duty.

2 (4) Special agents employed by a railroad or a public
3 utility to perform police functions, and guards of armored
4 car companies, while actually engaged in the performance
5 of the duties of their employment or commuting between
6 their homes and places of employment; and watchmen while
7 actually engaged in the performance of the duties of their
8 employment.

9 (5) Persons licensed as private security contractors,
10 private detectives, or private alarm contractors, or
11 employed by a private security contractor, private
12 detective, or private alarm contractor agency licensed by
13 the Department of Financial and Professional Regulation,
14 if their duties include the carrying of a weapon under the
15 provisions of the Private Detective, Private Alarm,
16 Private Security, Fingerprint Vendor, and Locksmith Act of
17 2004, while actually engaged in the performance of the
18 duties of their employment or commuting between their
19 homes and places of employment. A person shall be
20 considered eligible for this exemption if he or she has
21 completed the required 20 hours of training for a private
22 security contractor, private detective, or private alarm
23 contractor, or employee of a licensed private security
24 contractor, private detective, or private alarm contractor
25 agency and 28 hours of required firearm training, and has
26 been issued a firearm control card by the Department of

1 Financial and Professional Regulation. Conditions for the
2 renewal of firearm control cards issued under the
3 provisions of this Section shall be the same as for those
4 cards issued under the provisions of the Private
5 Detective, Private Alarm, Private Security, Fingerprint
6 Vendor, and Locksmith Act of 2004. The firearm control
7 card shall be carried by the private security contractor,
8 private detective, or private alarm contractor, or
9 employee of the licensed private security contractor,
10 private detective, or private alarm contractor agency at
11 all times when he or she is in possession of a concealable
12 weapon permitted by his or her firearm control card.

13 (6) Any person regularly employed in a commercial or
14 industrial operation as a security guard for the
15 protection of persons employed and private property
16 related to such commercial or industrial operation, while
17 actually engaged in the performance of his or her duty or
18 traveling between sites or properties belonging to the
19 employer, and who, as a security guard, is a member of a
20 security force registered with the Department of Financial
21 and Professional Regulation; provided that such security
22 guard has successfully completed a course of study,
23 approved by and supervised by the Department of Financial
24 and Professional Regulation, consisting of not less than
25 48 hours of training that includes the theory of law
26 enforcement, liability for acts, and the handling of

1 weapons. A person shall be considered eligible for this
2 exemption if he or she has completed the required 20 hours
3 of training for a security officer and 28 hours of
4 required firearm training, and has been issued a firearm
5 control card by the Department of Financial and
6 Professional Regulation. Conditions for the renewal of
7 firearm control cards issued under the provisions of this
8 Section shall be the same as for those cards issued under
9 the provisions of the Private Detective, Private Alarm,
10 Private Security, Fingerprint Vendor, and Locksmith Act of
11 2004. The firearm control card shall be carried by the
12 security guard at all times when he or she is in possession
13 of a concealable weapon permitted by his or her firearm
14 control card.

15 (7) Agents and investigators of the Illinois
16 Legislative Investigating Commission authorized by the
17 Commission to carry the weapons specified in subsections
18 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
19 any investigation for the Commission.

20 (8) Persons employed by a financial institution as a
21 security guard for the protection of other employees and
22 property related to such financial institution, while
23 actually engaged in the performance of their duties,
24 commuting between their homes and places of employment, or
25 traveling between sites or properties owned or operated by
26 such financial institution, and who, as a security guard,

1 is a member of a security force registered with the
2 Department; provided that any person so employed has
3 successfully completed a course of study, approved by and
4 supervised by the Department of Financial and Professional
5 Regulation, consisting of not less than 48 hours of
6 training which includes theory of law enforcement,
7 liability for acts, and the handling of weapons. A person
8 shall be considered to be eligible for this exemption if
9 he or she has completed the required 20 hours of training
10 for a security officer and 28 hours of required firearm
11 training, and has been issued a firearm control card by
12 the Department of Financial and Professional Regulation.
13 Conditions for renewal of firearm control cards issued
14 under the provisions of this Section shall be the same as
15 for those issued under the provisions of the Private
16 Detective, Private Alarm, Private Security, Fingerprint
17 Vendor, and Locksmith Act of 2004. The firearm control
18 card shall be carried by the security guard at all times
19 when he or she is in possession of a concealable weapon
20 permitted by his or her firearm control card. For purposes
21 of this subsection, "financial institution" means a bank,
22 savings and loan association, credit union, or company
23 providing armored car services.

24 (9) Any person employed by an armored car company to
25 drive an armored car, while actually engaged in the
26 performance of his duties.

1 (10) Persons who have been classified as peace
2 officers pursuant to the Peace Officer Fire Investigation
3 Act.

4 (11) Investigators of the Office of the State's
5 Attorneys Appellate Prosecutor authorized by the board of
6 governors of the Office of the State's Attorneys Appellate
7 Prosecutor to carry weapons pursuant to Section 7.06 of
8 the State's Attorneys Appellate Prosecutor's Act.

9 (12) Special investigators appointed by a State's
10 Attorney under Section 3-9005 of the Counties Code.

11 (12.5) Probation officers while in the performance of
12 their duties, or while commuting between their homes,
13 places of employment or specific locations that are part
14 of their assigned duties, with the consent of the chief
15 judge of the circuit for which they are employed, if they
16 have received weapons training according to requirements
17 of the Peace Officer and Probation Officer Firearm
18 Training Act.

19 (13) Court security officers ~~Security Officers~~ while
20 in the performance of their official duties, or while
21 commuting between their homes and places of employment,
22 with the consent of the sheriff ~~Sheriff~~.

23 (13.5) A person employed as an armed security guard at
24 a nuclear energy, storage, weapons, or development site or
25 facility regulated by the Nuclear Regulatory Commission
26 who has completed the background screening and training

1 mandated by the rules and regulations of the Nuclear
2 Regulatory Commission.

3 (14) Manufacture, transportation, or sale of weapons
4 to persons authorized under subdivisions (1) through
5 (13.5) of this subsection to possess those weapons.

6 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
7 to or affect any person carrying a concealed pistol, revolver,
8 or handgun and the person has been issued a currently valid
9 license under the Firearm Concealed Carry Act at the time of
10 the commission of the offense.

11 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
12 to or affect a qualified current or retired law enforcement
13 officer or a current or retired deputy, county correctional
14 officer, or correctional officer of the Department of
15 Corrections qualified under the laws of this State or under
16 the federal Law Enforcement Officers Safety Act.

17 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
18 24-1.6 do not apply to or affect any of the following:

19 (1) Members of any club or organization organized for
20 the purpose of practicing shooting at targets upon
21 established target ranges, whether public or private, and
22 patrons of such ranges, while such members or patrons are
23 using their firearms on those target ranges.

24 (2) Duly authorized military or civil organizations
25 while parading, with the special permission of the
26 Governor.

1 (3) Hunters, trappers, or fishermen while engaged in
2 lawful hunting, trapping, or fishing under the provisions
3 of the Wildlife Code or the Fish and Aquatic Life Code.

4 (4) Transportation of weapons that are broken down in
5 a non-functioning state or are not immediately accessible.

6 (5) Carrying or possessing any pistol, revolver, stun
7 gun or taser or other firearm on the land or in the legal
8 dwelling of another person as an invitee with that
9 person's permission.

10 (c) Subsection 24-1(a)(7) does not apply to or affect any
11 of the following:

12 (1) Peace officers while in performance of their
13 official duties.

14 (2) Wardens, superintendents, and keepers of prisons,
15 penitentiaries, jails, and other institutions for the
16 detention of persons accused or convicted of an offense.

17 (3) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard, while in
19 the performance of their official duty.

20 (4) Manufacture, transportation, or sale of machine
21 guns to persons authorized under subdivisions (1) through
22 (3) of this subsection to possess machine guns, if the
23 machine guns are broken down in a non-functioning state or
24 are not immediately accessible.

25 (5) Persons licensed under federal law to manufacture
26 any weapon from which 8 or more shots or bullets can be

1 discharged by a single function of the firing device, or
2 ammunition for such weapons, and actually engaged in the
3 business of manufacturing such weapons or ammunition, but
4 only with respect to activities which are within the
5 lawful scope of such business, such as the manufacture,
6 transportation, or testing of such weapons or ammunition.
7 This exemption does not authorize the general private
8 possession of any weapon from which 8 or more shots or
9 bullets can be discharged by a single function of the
10 firing device, but only such possession and activities as
11 are within the lawful scope of a licensed manufacturing
12 business described in this paragraph.

13 During transportation, such weapons shall be broken
14 down in a non-functioning state or not immediately
15 accessible.

16 (6) The manufacture, transport, testing, delivery,
17 transfer, or sale, and all lawful commercial or
18 experimental activities necessary thereto, of rifles,
19 shotguns, and weapons made from rifles or shotguns, or
20 ammunition for such rifles, shotguns, or weapons, where
21 engaged in by a person operating as a contractor or
22 subcontractor pursuant to a contract or subcontract for
23 the development and supply of such rifles, shotguns,
24 weapons, or ammunition to the United States government or
25 any branch of the Armed Forces of the United States, when
26 such activities are necessary and incident to fulfilling

1 the terms of such contract.

2 The exemption granted under this subdivision (c)(6)
3 shall also apply to any authorized agent of any such
4 contractor or subcontractor who is operating within the
5 scope of his employment, where such activities involving
6 such weapon, weapons, or ammunition are necessary and
7 incident to fulfilling the terms of such contract.

8 (7) A person possessing a rifle with a barrel or
9 barrels less than 16 inches in length if: (A) the person
10 has been issued a Curios and Relics license from the U.S.
11 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
12 (B) the person is an active member of a bona fide,
13 nationally recognized military re-enacting group and the
14 modification is required and necessary to accurately
15 portray the weapon for historical re-enactment purposes;
16 the re-enactor is in possession of a valid and current
17 re-enacting group membership credential; and the overall
18 length of the weapon as modified is not less than 26
19 inches.

20 (d) Subsection 24-1(a)(1) does not apply to the purchase,
21 possession or carrying of a black-jack or slung-shot by a
22 peace officer.

23 (e) Subsection 24-1(a)(8) does not apply to any owner,
24 manager, or authorized employee of any place specified in that
25 subsection nor to any law enforcement officer.

26 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

1 Section 24-1.6 do not apply to members of any club or
2 organization organized for the purpose of practicing shooting
3 at targets upon established target ranges, whether public or
4 private, while using their firearms on those target ranges.

5 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
6 to:

7 (1) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard, while in
9 the performance of their official duty.

10 (2) Bonafide collectors of antique or surplus military
11 ordnance.

12 (3) Laboratories having a department of forensic
13 ballistics~~r~~ or specializing in the development of
14 ammunition or explosive ordnance.

15 (4) Commerce, preparation, assembly~~l~~ or possession of
16 explosive bullets by manufacturers of ammunition licensed
17 by the federal government, in connection with the supply
18 of those organizations and persons exempted by subdivision
19 (g)(1) of this Section, or like organizations and persons
20 outside this State, or the transportation of explosive
21 bullets to any organization or person exempted in this
22 Section by a common carrier or by a vehicle owned or leased
23 by an exempted manufacturer.

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect
25 persons licensed under federal law to manufacture any device
26 or attachment of any kind designed, used, or intended for use

1 in silencing the report of any firearm, firearms, or
2 ammunition for those firearms equipped with those devices, and
3 actually engaged in the business of manufacturing those
4 devices, firearms, or ammunition, but only with respect to
5 activities that are within the lawful scope of that business,
6 such as the manufacture, transportation, or testing of those
7 devices, firearms, or ammunition. This exemption does not
8 authorize the general private possession of any device or
9 attachment of any kind designed, used, or intended for use in
10 silencing the report of any firearm, but only such possession
11 and activities as are within the lawful scope of a licensed
12 manufacturing business described in this subsection (g-5).
13 During transportation, these devices shall be detached from
14 any weapon or not immediately accessible.

15 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any parole agent or parole
17 supervisor who meets the qualifications and conditions
18 prescribed in Section 3-14-1.5 of the Unified Code of
19 Corrections.

20 (g-7) Subsection 24-1(a)(6) does not apply to a peace
21 officer while serving as a member of a tactical response team
22 or special operations team. A peace officer may not personally
23 own or apply for ownership of a device or attachment of any
24 kind designed, used, or intended for use in silencing the
25 report of any firearm. These devices shall be owned and
26 maintained by lawfully recognized units of government whose

1 duties include the investigation of criminal acts.

2 (g-10) (Blank).

3 (h) An information or indictment based upon a violation of
4 any subsection of this Article need not negate ~~negative~~ any
5 exemptions contained in this Article. The defendant shall have
6 the burden of proving such an exemption.

7 (i) Nothing in this Article shall prohibit, apply to, or
8 affect the transportation, carrying, or possession⁷ of any
9 pistol or revolver, stun gun, taser, or other firearm
10 consigned to a common carrier operating under license of the
11 State of Illinois or the federal government, where such
12 transportation, carrying, or possession is incident to the
13 lawful transportation in which such common carrier is engaged;
14 and nothing in this Article shall prohibit, apply to, or
15 affect the transportation, carrying, or possession of any
16 pistol, revolver, stun gun, taser, or other firearm, not the
17 subject of and regulated by subsection 24-1(a)(7) or
18 subsection 24-2(c) of this Article, which is unloaded and
19 enclosed in a case, firearm carrying box, shipping box, or
20 other container, by the possessor of a valid Firearm Owners
21 Identification Card.

22 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
23 102-837, eff. 5-13-22; 103-154, eff. 6-30-23; revised
24 7-22-24.)

25 Section 1065. The Illinois Controlled Substances Act is

1 amended by changing Section 410 as follows:

2 (720 ILCS 570/410)

3 Sec. 410. (a) Whenever any person who has not previously
4 been convicted of any felony offense under this Act or any law
5 of the United States or of any State relating to cannabis or
6 controlled substances, pleads guilty to or is found guilty of
7 possession of a controlled or counterfeit substance under
8 subsection (c) of Section 402 or of unauthorized possession of
9 prescription form under Section 406.2, the court, without
10 entering a judgment and with the consent of such person, may
11 sentence him or her to probation. A sentence under this
12 Section shall not be considered a conviction under Illinois
13 law unless and until judgment is entered under subsection (e)
14 of this Section.

15 (b) When a person is placed on probation, the court shall
16 enter an order specifying a period of probation of 24 months
17 and shall defer further proceedings in the case until the
18 conclusion of the period or until the filing of a petition
19 alleging violation of a term or condition of probation.

20 (c) The conditions of probation shall be that the person:
21 (1) not violate any criminal statute of any jurisdiction; (2)
22 refrain from possessing a firearm or other dangerous weapon;
23 (3) submit to periodic drug testing at a time and in a manner
24 as ordered by the court, but no less than 3 times during the
25 period of the probation, with the cost of the testing to be

1 paid by the probationer; and (4) perform no less than 30 hours
2 of community service, provided community service is available
3 in the jurisdiction and is funded and approved by the county
4 board. The court may give credit toward the fulfillment of
5 community service hours for participation in activities and
6 treatment as determined by court services.

7 (d) The court may, in addition to other conditions,
8 require that the person:

9 (1) make a report to and appear in person before or
10 participate with the court or such courts, person, or
11 social service agency as directed by the court in the
12 order of probation;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical or psychiatric treatment; or
17 treatment or rehabilitation approved by the Illinois
18 Department of Human Services;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his or her dependents;

22 (6-5) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or
25 the Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of

1 his or her blood or urine or both for tests to determine
2 the presence of any illicit drug;

3 (7) and in addition, if a minor:

4 (i) reside with his or her parents or in a foster
5 home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 (iv) contribute to his or her own support at home
9 or in a foster home.

10 (e) Upon violation of a term or condition of probation,
11 the court may enter a judgment on its original finding of guilt
12 and proceed as otherwise provided.

13 (f) Upon fulfillment of the terms and conditions of
14 probation, the court shall discharge the person and dismiss
15 the proceedings against him or her.

16 (g) A disposition of probation is considered to be a
17 conviction for the purposes of imposing the conditions of
18 probation and for appeal, however, a sentence under this
19 Section is not a conviction for purposes of this Act or for
20 purposes of disqualifications or disabilities imposed by law
21 upon conviction of a crime unless and until judgment is
22 entered.

23 (h) A person may not have more than one discharge and
24 dismissal under this Section within a 4-year period.

25 (i) If a person is convicted of an offense under this Act,
26 the Cannabis Control Act, or the Methamphetamine Control and

1 Community Protection Act within 5 years subsequent to a
2 discharge and dismissal under this Section, the discharge and
3 dismissal under this Section shall be admissible in the
4 sentencing proceeding for that conviction as evidence in
5 aggravation.

6 (j) Notwithstanding subsection (a), before a person is
7 sentenced to probation under this Section, the court may refer
8 the person to the drug court established in that judicial
9 circuit pursuant to Section 15 of the Drug Court Treatment
10 Act. The drug court team shall evaluate the person's
11 likelihood of successfully completing a sentence of probation
12 under this Section and shall report the results of its
13 evaluation to the court. If the drug court team finds that the
14 person suffers from a substance use disorder that makes him or
15 her substantially unlikely to successfully complete a sentence
16 of probation under this Section, then the drug court shall set
17 forth its findings in the form of a written order, and the
18 person shall not be sentenced to probation under this Section,
19 but shall be considered for the drug court program.

20 (Source: P.A. 103-702, eff. 1-1-25; 103-881, eff. 1-1-25;
21 revised 11-26-24.)

22 Section 1070. The Drug Paraphernalia Control Act is
23 amended by changing Section 2 as follows:

24 (720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

1 Sec. 2. As used in this Act, unless the context otherwise
2 requires:

3 (a) The term "cannabis" shall have the meaning ascribed to
4 it in Section 3 of the Cannabis Control Act, as if that
5 definition were incorporated herein.

6 (b) The term "controlled substance" shall have the meaning
7 ascribed to it in Section 102 of the Illinois Controlled
8 Substances Act, as if that definition were incorporated
9 herein.

10 (c) "Deliver" or "delivery" means the actual,
11 constructive, or attempted transfer of possession, with or
12 without consideration, whether or not there is an agency
13 relationship.

14 (d) "Drug paraphernalia" means all equipment, products,
15 and materials of any kind, other than methamphetamine
16 manufacturing materials as defined in Section 10 of the
17 Methamphetamine Control and Community Protection Act and
18 cannabis paraphernalia as defined in Section 1-10 of the
19 Cannabis Regulation and Tax Act, which are intended to be used
20 unlawfully in planting, propagating, cultivating, growing,
21 harvesting, manufacturing, compounding, converting,
22 producing, processing, preparing, testing, analyzing,
23 packaging, repackaging, storing, containing, concealing,
24 injecting, ingesting, inhaling, or otherwise introducing into
25 the human body a controlled substance in violation of the
26 Illinois Controlled Substances Act or the Methamphetamine

1 Control and Community Protection Act or a synthetic drug
2 product or misbranded drug in violation of the Illinois Food,
3 Drug and Cosmetic Act. It includes, but is not limited to:

4 (1) kits intended to be used unlawfully in
5 manufacturing, compounding, converting, producing,
6 processing, or preparing a controlled substance;

7 (2) isomerization devices intended to be used
8 unlawfully in increasing the potency of any species of
9 plant which is a controlled substance;

10 (3) testing equipment intended to be used unlawfully
11 in a private home for identifying or in analyzing the
12 strength, effectiveness, or purity of controlled
13 substances;

14 (4) diluents and adulterants intended to be used
15 unlawfully for cutting a controlled substance by private
16 persons;

17 (5) objects intended to be used unlawfully in
18 ingesting, inhaling, or otherwise introducing cocaine or a
19 synthetic drug product or misbranded drug in violation of
20 the Illinois Food, Drug and Cosmetic Act into the human
21 body including, where applicable, the following items:

22 (A) water pipes;

23 (B) carburetion tubes and devices;

24 (C) smoking and carburetion masks;

25 (D) miniature cocaine spoons and cocaine vials;

26 (E) carburetor pipes;

1 (F) electric pipes;

2 (G) air-driven pipes;

3 (H) chillums;

4 (I) bongs;

5 (J) ice pipes or chillers;

6 (6) any item whose purpose, as announced or described
7 by the seller, is for use in violation of this Act.

8 "Drug paraphernalia" does not include equipment, products,
9 or materials to analyze or test for the presence of fentanyl, a
10 fentanyl analog ~~analogue~~, or a drug adulterant within a
11 controlled substance.

12 (Source: P.A. 103-336, eff. 1-1-24; revised 7-22-24.)

13 Section 1075. The Code of Criminal Procedure of 1963 is
14 amended by changing Section 110-6.1 as follows:

15 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

16 Sec. 110-6.1. Denial of pretrial release.

17 (a) Upon verified petition by the State, the court shall
18 hold a hearing and may deny a defendant pretrial release only
19 if:

20 (1) the defendant is charged with a felony offense
21 other than a forcible felony for which, based on the
22 charge or the defendant's criminal history, a sentence of
23 imprisonment, without probation, periodic imprisonment, or
24 conditional discharge, is required by law upon conviction,

1 and it is alleged that the defendant's pretrial release
2 poses a real and present threat to the safety of any person
3 or persons or the community, based on the specific
4 articulable facts of the case;

5 (1.5) the defendant's pretrial release poses a real
6 and present threat to the safety of any person or persons
7 or the community, based on the specific articulable facts
8 of the case, and the defendant is charged with a forcible
9 felony, which as used in this Section, means treason,
10 first degree murder, second degree murder, predatory
11 criminal sexual assault of a child, aggravated criminal
12 sexual assault, criminal sexual assault, armed robbery,
13 aggravated robbery, robbery, burglary where there is use
14 of force against another person, residential burglary,
15 home invasion, vehicular invasion, aggravated arson,
16 arson, aggravated kidnaping, kidnaping, aggravated battery
17 resulting in great bodily harm or permanent disability or
18 disfigurement, or any other felony which involves the
19 threat of or infliction of great bodily harm or permanent
20 disability or disfigurement;

21 (2) the defendant is charged with stalking or
22 aggravated stalking, and it is alleged that the
23 defendant's pre-trial release poses a real and present
24 threat to the safety of a victim of the alleged offense,
25 and denial of release is necessary to prevent fulfillment
26 of the threat upon which the charge is based;

1 (3) the defendant is charged with a violation of an
2 order of protection issued under Section 112A-14 of this
3 Code or Section 214 of the Illinois Domestic Violence Act
4 of 1986, a stalking no contact order under Section 80 of
5 the Stalking No Contact Order Act, or ~~of~~ a civil no contact
6 order under Section 213 of the Civil No Contact Order Act,
7 and it is alleged that the defendant's pretrial release
8 poses a real and present threat to the safety of any person
9 or persons or the community, based on the specific
10 articulable facts of the case;

11 (4) the defendant is charged with domestic battery or
12 aggravated domestic battery under Section 12-3.2 or 12-3.3
13 of the Criminal Code of 2012 and it is alleged that the
14 defendant's pretrial release poses a real and present
15 threat to the safety of any person or persons or the
16 community, based on the specific articulable facts of the
17 case;

18 (5) the defendant is charged with any offense under
19 Article 11 of the Criminal Code of 2012, except for
20 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
21 11-40, and 11-45 of the Criminal Code of 2012, or similar
22 provisions of the Criminal Code of 1961 and it is alleged
23 that the defendant's pretrial release poses a real and
24 present threat to the safety of any person or persons or
25 the community, based on the specific articulable facts of
26 the case;

1 (6) the defendant is charged with any of the following
2 offenses under the Criminal Code of 2012, and it is
3 alleged that the defendant's pretrial release poses a real
4 and present threat to the safety of any person or persons
5 or the community, based on the specific articulable facts
6 of the case:

7 (A) Section 24-1.2 (aggravated discharge of a
8 firearm);

9 (B) Section 24-1.2-5 ~~24-2.5~~ (aggravated discharge
10 of a machine gun or a firearm equipped with a device
11 designed or used ~~use~~ for silencing the report of a
12 firearm);

13 (C) Section 24-1.5 (reckless discharge of a
14 firearm);

15 (D) Section 24-1.7 (unlawful possession of a
16 firearm by a repeat felony offender);

17 (E) Section 24-2.2 (manufacture, sale, or transfer
18 of bullets or shells represented to be armor piercing
19 bullets, dragon's breath shotgun shells, bolo shells,
20 or flechette shells);

21 (F) Section 24-3 (unlawful sale or delivery of
22 firearms);

23 (G) Section 24-3.3 (unlawful sale or delivery of
24 firearms on the premises of any school);

25 (H) Section 24-34 (unlawful sale of firearms by
26 liquor license);

1 (I) Section 24-3.5 (unlawful purchase of a
2 firearm);

3 (J) Section 24-3A (gunrunning);

4 (K) Section 24-3B (firearms trafficking);

5 (L) Section 10-9 (b) (involuntary servitude);

6 (M) Section 10-9 (c) (involuntary sexual servitude
7 of a minor);

8 (N) Section 10-9(d) (trafficking in persons);

9 (O) Non-probationable violations: (i) unlawful
10 possession of weapons by felons or persons in the
11 Custody of the Department of Corrections facilities
12 (Section 24-1.1), (ii) aggravated unlawful possession
13 of a weapon (Section 24-1.6), or (iii) aggravated
14 possession of a stolen firearm (Section 24-3.9);

15 (P) Section 9-3 (reckless homicide and involuntary
16 manslaughter);

17 (Q) Section 19-3 (residential burglary);

18 (R) Section 10-5 (child abduction);

19 (S) Felony violations of Section 12C-5 (child
20 endangerment);

21 (T) Section 12-7.1 (hate crime);

22 (U) Section 10-3.1 (aggravated unlawful
23 restraint);

24 (V) Section 12-9 (threatening a public official);

25 (W) Subdivision (f)(1) of Section 12-3.05
26 (aggravated battery with a deadly weapon other than by

1 discharge of a firearm);

2 (6.5) the defendant is charged with any of the
3 following offenses, and it is alleged that the defendant's
4 pretrial release poses a real and present threat to the
5 safety of any person or persons or the community, based on
6 the specific articulable facts of the case:

7 (A) Felony violations of Sections 3.01, 3.02, or
8 3.03 of the Humane Care for Animals Act (cruel
9 treatment, aggravated cruelty, and animal torture);

10 (B) Subdivision (d) (1) (B) of Section 11-501 of the
11 Illinois Vehicle Code (aggravated driving under the
12 influence while operating a school bus with
13 passengers);

14 (C) Subdivision (d) (1) (C) of Section 11-501 of the
15 Illinois Vehicle Code (aggravated driving under the
16 influence causing great bodily harm);

17 (D) Subdivision (d) (1) (D) of Section 11-501 of the
18 Illinois Vehicle Code (aggravated driving under the
19 influence after a previous reckless homicide
20 conviction);

21 (E) Subdivision (d) (1) (F) of Section 11-501 of the
22 Illinois Vehicle Code (aggravated driving under the
23 influence leading to death); or

24 (F) Subdivision (d) (1) (J) of Section 11-501 of the
25 Illinois Vehicle Code (aggravated driving under the
26 influence that resulted in bodily harm to a child

1 under the age of 16);

2 (7) the defendant is charged with an attempt to commit
3 any charge listed in paragraphs (1) through (6.5), and it
4 is alleged that the defendant's pretrial release poses a
5 real and present threat to the safety of any person or
6 persons or the community, based on the specific
7 articulable facts of the case; or

8 (8) the person has a high likelihood of willful flight
9 to avoid prosecution and is charged with:

10 (A) Any felony described in subdivisions (a)(1)
11 through (a)(7) of this Section; or

12 (B) A felony offense other than a Class 4 offense.

13 (b) If the charged offense is a felony, as part of the
14 detention hearing, the court shall determine whether there is
15 probable cause the defendant has committed an offense, unless
16 a hearing pursuant to Section 109-3 of this Code has already
17 been held or a grand jury has returned a true bill of
18 indictment against the defendant. If there is a finding of no
19 probable cause, the defendant shall be released. No such
20 finding is necessary if the defendant is charged with a
21 misdemeanor.

22 (c) Timing of petition.

23 (1) A petition may be filed without prior notice to
24 the defendant at the first appearance before a judge, or
25 within the 21 calendar days, except as provided in Section
26 110-6, after arrest and release of the defendant upon

1 reasonable notice to defendant; provided that while such
2 petition is pending before the court, the defendant if
3 previously released shall not be detained.

4 (2) Upon filing, the court shall immediately hold a
5 hearing on the petition unless a continuance is requested.
6 If a continuance is requested and granted, the hearing
7 shall be held within 48 hours of the defendant's first
8 appearance if the defendant is charged with first degree
9 murder or a Class X, Class 1, Class 2, or Class 3 felony,
10 and within 24 hours if the defendant is charged with a
11 Class 4 or misdemeanor offense. The Court may deny or
12 grant the request for continuance. If the court decides to
13 grant the continuance, the Court retains the discretion to
14 detain or release the defendant in the time between the
15 filing of the petition and the hearing.

16 (d) Contents of petition.

17 (1) The petition shall be verified by the State and
18 shall state the grounds upon which it contends the
19 defendant should be denied pretrial release, including the
20 real and present threat to the safety of any person or
21 persons or the community, based on the specific
22 articulable facts or flight risk, as appropriate.

23 (2) If the State seeks to file a second or subsequent
24 petition under this Section, the State shall be required
25 to present a verified application setting forth in detail
26 any new facts not known or obtainable at the time of the

1 filing of the previous petition.

2 (e) Eligibility: All defendants shall be presumed eligible
3 for pretrial release, and the State shall bear the burden of
4 proving by clear and convincing evidence that:

5 (1) the proof is evident or the presumption great that
6 the defendant has committed an offense listed in
7 subsection (a), and

8 (2) for offenses listed in paragraphs (1) through (7)
9 of subsection (a), the defendant poses a real and present
10 threat to the safety of any person or persons or the
11 community, based on the specific articulable facts of the
12 case, by conduct which may include, but is not limited to,
13 a forcible felony, the obstruction of justice,
14 intimidation, injury, or abuse as defined by paragraph (1)
15 of Section 103 of the Illinois Domestic Violence Act of
16 1986, and

17 (3) no condition or combination of conditions set
18 forth in subsection (b) of Section 110-10 of this Article
19 can mitigate (i) the real and present threat to the safety
20 of any person or persons or the community, based on the
21 specific articulable facts of the case, for offenses
22 listed in paragraphs (1) through (7) of subsection (a), or
23 (ii) the defendant's willful flight for offenses listed in
24 paragraph (8) of subsection (a), and

25 (4) for offenses under subsection (b) of Section 407
26 of the Illinois Controlled Substances Act that are subject

1 to paragraph (1) of subsection (a), no condition or
2 combination of conditions set forth in subsection (b) of
3 Section 110-10 of this Article can mitigate the real and
4 present threat to the safety of any person or persons or
5 the community, based on the specific articulable facts of
6 the case, and the defendant poses a serious risk to not
7 appear in court as required.

8 (f) Conduct of the hearings.

9 (1) Prior to the hearing, the State shall tender to
10 the defendant copies of the defendant's criminal history
11 available, any written or recorded statements, and the
12 substance of any oral statements made by any person, if
13 relied upon by the State in its petition, and any police
14 reports in the prosecutor's possession at the time of the
15 hearing.

16 (2) The State or defendant may present evidence at the
17 hearing by way of proffer based upon reliable information.

18 (3) The defendant has the right to be represented by
19 counsel, and if he or she is indigent, to have counsel
20 appointed for him or her. The defendant shall have the
21 opportunity to testify, to present witnesses on his or her
22 own behalf, and to cross-examine any witnesses that are
23 called by the State. Defense counsel shall be given
24 adequate opportunity to confer with the defendant before
25 any hearing at which conditions of release or the
26 detention of the defendant are to be considered, with an

1 accommodation for a physical condition made to facilitate
2 attorney/client consultation. If defense counsel needs to
3 confer or consult with the defendant during any hearing
4 conducted via a 2-way ~~two-way~~ audio-visual communication
5 system, such consultation shall not be recorded and shall
6 be undertaken consistent with constitutional protections.

7 (3.5) A hearing at which pretrial release may be
8 denied must be conducted in person (and not by way of 2-way
9 ~~two-way~~ audio visual communication) unless the accused
10 waives the right to be present physically in court, the
11 court determines that the physical health and safety of
12 any person necessary to the proceedings would be
13 endangered by appearing in court, or the chief judge of
14 the circuit orders use of that system due to operational
15 challenges in conducting the hearing in person. Such
16 operational challenges must be documented and approved by
17 the chief judge of the circuit, and a plan to address the
18 challenges through reasonable efforts must be presented
19 and approved by the Administrative Office of the Illinois
20 Courts every 6 months.

21 (4) If the defense seeks to compel the complaining
22 witness to testify as a witness in its favor, it shall
23 petition the court for permission. When the ends of
24 justice so require, the court may exercise its discretion
25 and compel the appearance of a complaining witness. The
26 court shall state on the record reasons for granting a

1 defense request to compel the presence of a complaining
2 witness only on the issue of the defendant's pretrial
3 detention. In making a determination under this Section,
4 the court shall state on the record the reason for
5 granting a defense request to compel the presence of a
6 complaining witness, and only grant the request if the
7 court finds by clear and convincing evidence that the
8 defendant will be materially prejudiced if the complaining
9 witness does not appear. Cross-examination of a
10 complaining witness at the pretrial detention hearing for
11 the purpose of impeaching the witness' credibility is
12 insufficient reason to compel the presence of the witness.
13 In deciding whether to compel the appearance of a
14 complaining witness, the court shall be considerate of the
15 emotional and physical well-being of the witness. The
16 pre-trial detention hearing is not to be used for purposes
17 of discovery, and the post arraignment rules of discovery
18 do not apply. The State shall tender to the defendant,
19 prior to the hearing, copies, if any, of the defendant's
20 criminal history, if available, and any written or
21 recorded statements and the substance of any oral
22 statements made by any person, if in the State's
23 Attorney's possession at the time of the hearing.

24 (5) The rules concerning the admissibility of evidence
25 in criminal trials do not apply to the presentation and
26 consideration of information at the hearing. At the trial

1 concerning the offense for which the hearing was conducted
2 neither the finding of the court nor any transcript or
3 other record of the hearing shall be admissible in the
4 State's case-in-chief, but shall be admissible for
5 impeachment, or as provided in Section 115-10.1 of this
6 Code, or in a perjury proceeding.

7 (6) The defendant may not move to suppress evidence or
8 a confession, however, evidence that proof of the charged
9 crime may have been the result of an unlawful search or
10 seizure, or both, or through improper interrogation, is
11 relevant in assessing the weight of the evidence against
12 the defendant.

13 (7) Decisions regarding release, conditions of
14 release, and detention prior to trial must be
15 individualized, and no single factor or standard may be
16 used exclusively to order detention. Risk assessment tools
17 may not be used as the sole basis to deny pretrial release.

18 (g) Factors to be considered in making a determination of
19 dangerousness. The court may, in determining whether the
20 defendant poses a real and present threat to the safety of any
21 person or persons or the community, based on the specific
22 articulable facts of the case, consider, but shall not be
23 limited to, evidence or testimony concerning:

24 (1) The nature and circumstances of any offense
25 charged, including whether the offense is a crime of
26 violence, involving a weapon, or a sex offense.

1 (2) The history and characteristics of the defendant
2 including:

3 (A) Any evidence of the defendant's prior criminal
4 history indicative of violent, abusive, or assaultive
5 behavior, or lack of such behavior. Such evidence may
6 include testimony or documents received in juvenile
7 proceedings, criminal, quasi-criminal, civil
8 commitment, domestic relations, or other proceedings.

9 (B) Any evidence of the defendant's psychological,
10 psychiatric or other similar social history which
11 tends to indicate a violent, abusive, or assaultive
12 nature, or lack of any such history.

13 (3) The identity of any person or persons to whose
14 safety the defendant is believed to pose a threat, and the
15 nature of the threat.

16 (4) Any statements made by, or attributed to the
17 defendant, together with the circumstances surrounding
18 them.

19 (5) The age and physical condition of the defendant.

20 (6) The age and physical condition of any victim or
21 complaining witness.

22 (7) Whether the defendant is known to possess or have
23 access to any weapon or weapons.

24 (8) Whether, at the time of the current offense or any
25 other offense or arrest, the defendant was on probation,
26 parole, aftercare release, mandatory supervised release,

1 or other release from custody pending trial, sentencing,
2 appeal, or completion of sentence for an offense under
3 federal or State ~~state~~ law.

4 (9) Any other factors, including those listed in
5 Section 110-5 of this Article deemed by the court to have a
6 reasonable bearing upon the defendant's propensity or
7 reputation for violent, abusive, or assaultive behavior,
8 or lack of such behavior.

9 (h) Detention order. The court shall, in any order for
10 detention:

11 (1) make a written finding summarizing the court's
12 reasons for concluding that the defendant should be denied
13 pretrial release, including why less restrictive
14 conditions would not avoid a real and present threat to
15 the safety of any person or persons or the community,
16 based on the specific articulable facts of the case, or
17 prevent the defendant's willful flight from prosecution;

18 (2) direct that the defendant be committed to the
19 custody of the sheriff for confinement in the county jail
20 pending trial;

21 (3) direct that the defendant be given a reasonable
22 opportunity for private consultation with counsel, and for
23 communication with others of his or her choice by
24 visitation, mail and telephone; and

25 (4) direct that the sheriff deliver the defendant as
26 required for appearances in connection with court

1 proceedings.

2 (i) Detention. If the court enters an order for the
3 detention of the defendant pursuant to subsection (e) of this
4 Section, the defendant shall be brought to trial on the
5 offense for which he is detained within 90 days after the date
6 on which the order for detention was entered. If the defendant
7 is not brought to trial within the 90-day period required by
8 the preceding sentence, he shall not be denied pretrial
9 release. In computing the 90-day period, the court shall omit
10 any period of delay resulting from a continuance granted at
11 the request of the defendant and any period of delay resulting
12 from a continuance granted at the request of the State with
13 good cause shown pursuant to Section 103-5.

14 (i-5) At each subsequent appearance of the defendant
15 before the court, the judge must find that continued detention
16 is necessary to avoid a real and present threat to the safety
17 of any person or persons or the community, based on the
18 specific articulable facts of the case, or to prevent the
19 defendant's willful flight from prosecution.

20 (j) Rights of the defendant. The defendant shall be
21 entitled to appeal any order entered under this Section
22 denying his or her pretrial release.

23 (k) Appeal. The State may appeal any order entered under
24 this Section denying any motion for denial of pretrial
25 release.

26 (l) Presumption of innocence. Nothing in this Section

1 shall be construed as modifying or limiting in any way the
2 defendant's presumption of innocence in further criminal
3 proceedings.

4 (m) Interest of victims.

5 (1) Crime victims shall be given notice by the State's
6 Attorney's office of this hearing as required in paragraph
7 (1) of subsection (b) of Section 4.5 of the Rights of Crime
8 Victims and Witnesses Act and shall be informed of their
9 opportunity at this hearing to obtain a protective order.

10 (2) If the defendant is denied pretrial release, the
11 court may impose a no contact provision with the victim or
12 other interested party that shall be enforced while the
13 defendant remains in custody.

14 (Source: P.A. 102-1104, eff. 1-1-23; 103-822, eff. 1-1-25;
15 revised 10-23-24.)

16 Section 1080. The Pretrial Success Act is amended by
17 changing Sections 2-1, 2-20, and 2-45 as follows:

18 (725 ILCS 187/2-1)

19 Sec. 2-1. Short title. This Article ~~Act~~ may be cited as the
20 Pretrial Success Act. References in this Article to "this Act"
21 mean this Article.

22 (Source: P.A. 103-588, eff. 6-5-24; revised 7-19-24.)

23 (725 ILCS 187/2-20)

1 Sec. 2-20. Grant-making ~~Grant-making~~ authority.

2 (a) The Department of Human Services shall have
3 grant-making, operational, and procurement authority to
4 distribute funds to local government health and human services
5 agencies, community-based organizations, and other entities
6 necessary to execute the functions established in this Act.

7 (b) Subject to appropriation, the Department shall issue
8 grants to local governmental agencies and community-based
9 organizations to maximize pretrial success each year. Grants
10 shall be awarded no later than January 1, 2025. Grants in
11 subsequent years shall be issued on or before September 1 of
12 the relevant fiscal year and shall allow for pre-award
13 expenditures beginning July 1 of the relevant fiscal year.

14 (c) Beginning in fiscal year 2028 and subject to
15 appropriation, grants shall be awarded for a project period of
16 3 years, contingent on Department requirements for reporting
17 and successful performance.

18 (d) The Department shall ensure that grants awarded under
19 this Act do not duplicate or supplant grants awarded under the
20 Reimagine Public Safety Act.

21 (Source: P.A. 103-588, eff. 6-5-24; revised 7-22-24.)

22 (725 ILCS 187/2-45)

23 Sec. 2-45. Evaluation.

24 (a) The Department shall issue a report to the General
25 Assembly no later than January 1 of each year beginning at

1 least 12 months after grants are first issued under this Act.
2 The report shall cover the previous fiscal year and identify
3 gaps in community-based pretrial supports and services in each
4 service area, explain the investments that are being made to
5 maximize pretrial success, and make further recommendations on
6 how to build community-based capacity for community-based
7 pretrial supports and services including mental health and
8 substance use disorder treatment.

9 (b) Beginning with the first report issued at least 24
10 months after grants are first issued under this Act, the
11 annual report shall include an evaluation of the effectiveness
12 of grants under this Act in maximizing pretrial success. The
13 Department shall use community-based participatory research
14 methods and ensure that the evaluation incorporates input from
15 individuals and organizations affected by this ~~the~~ Act,
16 including, but not limited to, individuals with personal
17 experience with being charged with a felony offense in
18 Illinois, individuals with personal experience with a family
19 member being charged with a felony offense in Illinois, local
20 government health and human services agencies, community-based
21 organizations, and court stakeholders. The evaluation should
22 be conducted with input from outside expert evaluators when
23 possible.

24 (c) The Department shall consider findings from annual
25 reports and evaluations in developing subsequent years'
26 grant-making ~~grantmaking~~ processes, monitoring progress toward

1 local advisory councils' goals, and ensuring equity in the
2 grant-making ~~grantmaking~~ process.

3 (Source: P.A. 103-588, eff. 6-5-24; revised 7-22-24.)

4 Section 1085. The Unified Code of Corrections is amended
5 by changing Sections 3-7-2, 3-13-4, 5-5-3.2, 5-6-3.6, 5-6-3.8,
6 and 5-8-1 as follows:

7 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

8 Sec. 3-7-2. Facilities.

9 (a) All institutions and facilities of the Department
10 shall provide every committed person with access to toilet
11 facilities, barber facilities, bathing facilities at least
12 once each week, a library of legal materials and published
13 materials including newspapers and magazines approved by the
14 Director. A committed person may not receive any materials
15 that the Director deems pornographic.

16 (b) (Blank).

17 (c) All institutions and facilities of the Department
18 shall provide facilities for every committed person to leave
19 his cell for at least one hour each day unless the chief
20 administrative officer determines that it would be harmful or
21 dangerous to the security or safety of the institution or
22 facility.

23 (d) All institutions and facilities of the Department
24 shall provide every committed person with a wholesome and

1 nutritional diet at regularly scheduled hours, drinking water,
2 clothing adequate for the season, including underwear,
3 bedding, soap, ~~and~~ towels, and medical and dental care.
4 Underwear provided to each committed person in all
5 institutions and facilities of the Department shall be free of
6 charge and shall be provided at any time upon request,
7 including multiple requests, of the committed person or as
8 needed by the committed person.

9 (e) All institutions and facilities of the Department
10 shall permit every committed person to send and receive an
11 unlimited number of uncensored letters, provided, however,
12 that the Director may order that mail be inspected and read for
13 reasons of the security, safety, or morale of the institution
14 or facility.

15 (f) All of the institutions and facilities of the
16 Department shall permit every committed person to receive
17 in-person visitors and video contact, if available, except in
18 case of abuse of the visiting privilege or when the chief
19 administrative officer determines that such visiting would be
20 harmful or dangerous to the security, safety or morale of the
21 institution or facility. Each committed person is entitled to
22 7 visits per month. Every committed person may submit a list of
23 at least 30 persons to the Department that are authorized to
24 visit the committed person. The list shall be kept in an
25 electronic format by the Department beginning on August 1,
26 2019, as well as available in paper form for Department

1 employees. The chief administrative officer shall have the
2 right to restrict visitation to non-contact visits, video, or
3 other forms of non-contact visits for reasons of safety,
4 security, and order, including, but not limited to,
5 restricting contact visits for committed persons engaged in
6 gang activity. No committed person in a super maximum security
7 facility or on disciplinary segregation is allowed contact
8 visits. Any committed person found in possession of illegal
9 drugs or who fails a drug test shall not be permitted contact
10 visits for a period of at least 6 months. Any committed person
11 involved in gang activities or found guilty of assault
12 committed against a Department employee shall not be permitted
13 contact visits for a period of at least 6 months. The
14 Department shall offer every visitor appropriate written
15 information concerning HIV and AIDS, including information
16 concerning how to contact the Illinois Department of Public
17 Health for counseling information. The Department shall
18 develop the written materials in consultation with the
19 Department of Public Health. The Department shall ensure that
20 all such information and materials are culturally sensitive
21 and reflect cultural diversity as appropriate. Implementation
22 of the changes made to this Section by Public Act 94-629 is
23 subject to appropriation. The Department shall seek the lowest
24 possible cost to provide video calling and shall charge to the
25 extent of recovering any demonstrated costs of providing video
26 calling. The Department shall not make a commission or profit

1 from video calling services. Nothing in this Section shall be
2 construed to permit video calling instead of in-person
3 visitation.

4 (f-5) (Blank).

5 (f-10) The Department may not restrict or limit in-person
6 visits to committed persons due to the availability of
7 interactive video conferences.

8 (f-15) (1) The Department shall issue a standard written
9 policy for each institution and facility of the Department
10 that provides for:

11 (A) the number of in-person visits each committed
12 person is entitled to per week and per month including the
13 requirements of subsection (f) of this Section;

14 (B) the hours of in-person visits;

15 (C) the type of identification required for visitors
16 at least 18 years of age; and

17 (D) the type of identification, if any, required for
18 visitors under 18 years of age.

19 (2) This policy shall be posted on the Department website
20 and at each facility.

21 (3) The Department shall post on its website daily any
22 restrictions or denials of visitation for that day and the
23 succeeding 5 calendar days, including those based on a
24 lockdown of the facility, to inform family members and other
25 visitors.

26 (g) All institutions and facilities of the Department

1 shall permit religious ministrations and sacraments to be
2 available to every committed person, but attendance at
3 religious services shall not be required. This subsection (g)
4 is subject to the provisions of the Faith Behind Bars Act.

5 (h) Within 90 days after December 31, 1996, the Department
6 shall prohibit the use of curtains, cell-coverings, or any
7 other matter or object that obstructs or otherwise impairs the
8 line of vision into a committed person's cell.

9 (i) A point of contact person appointed under subsection
10 (u-6) of Section 3-2-2 of this Code shall promptly and
11 efficiently review suggestions, complaints, and other requests
12 made by visitors to institutions and facilities of the
13 Department and by other members of the public. Based on the
14 nature of the submission, the point of contact person shall
15 communicate with the appropriate division of the Department,
16 disseminate the concern or complaint, and act as liaison
17 between the parties to reach a resolution.

18 (1) The point of contact person shall maintain
19 information about the subject matter of each
20 correspondence, including, but not limited to, information
21 about the following subjects:

22 (A) the parties making the submission;

23 (B) any commissary-related concerns;

24 (C) any concerns about the institution or
25 facility's COVID-19 ~~COVID~~ protocols and mitigations;

26 (D) any concerns about mail, video, or electronic

1 messages or other communications with incarcerated
2 persons;

3 (E) any concerns about the institution or
4 facility;

5 (F) any discipline-related concerns;

6 (G) any concerns about earned sentencing credits;

7 (H) any concerns about educational opportunities
8 for incarcerated persons;

9 (I) any concerns about health-related matters;

10 (J) any mental health concerns;

11 (K) any concerns about personal property;

12 (L) any concerns about the records of the
13 incarcerated person;

14 (M) any concerns about recreational opportunities
15 for incarcerated persons;

16 (N) any staffing-related concerns;

17 (O) any concerns about the transfer of individuals
18 in custody;

19 (P) any concerns about visitation; and

20 (Q) any concerns about work opportunities for
21 incarcerated persons.

22 The information shall be maintained in accordance with
23 standards set by the Department of Corrections, and shall
24 be made available to the Department's Planning and
25 Research Division. The point of contact person shall
26 provide a summary of the results of the review, including

1 any resolution or recommendations made as a result of
2 correspondence with the Planning and Research Division of
3 the Department.

4 (2) The Department shall provide an annual written
5 report to the General Assembly and the Governor, with the
6 first report due no later than January 1, 2023, and
7 publish the report on its website within 48 hours after
8 the report is transmitted to the Governor and the General
9 Assembly. The report shall include a summary of activities
10 undertaken and completed as a result of submissions to the
11 point of contact person. The Department of Corrections
12 shall collect and report the following aggregated and
13 disaggregated data for each institution and facility and
14 describe:

15 (A) the work of the point of contact person;

16 (B) the general nature of suggestions, complaints,
17 and other requests submitted to the point of contact
18 person;

19 (C) the volume of emails, calls, letters, and
20 other correspondence received by the point of contact
21 person;

22 (D) the resolutions reached or recommendations
23 made as a result of the point of contact person's
24 review;

25 (E) whether, if an investigation is recommended, a
26 report of the complaint was forwarded to the Chief

1 Inspector of the Department or other Department
2 employee, and the resolution of the complaint, and if
3 the investigation has not concluded, a detailed status
4 report on the complaint; and

5 (F) any recommendations that the point of contact
6 person has relating to systemic issues in the
7 Department of Corrections, and any other matters for
8 consideration by the General Assembly and the
9 Governor.

10 The name, address, or other personally identifiable
11 information of a person who files a complaint, suggestion,
12 or other request with the point of contact person, and
13 confidential records shall be redacted from the annual
14 report and are not subject to disclosure under the Freedom
15 of Information Act. The Department shall disclose the
16 records only if required by a court order on a showing of
17 good cause.

18 (3) The Department must post in a conspicuous place in
19 the waiting area of every facility or institution a sign
20 that contains in bold, black type the following:

21 (A) a short statement notifying visitors of the
22 point of contact person and that person's duty to
23 receive suggestions, complaints, or other requests;
24 and

25 (B) information on how to submit suggestions,
26 complaints, or other requests to the point of contact

1 person.

2 (j) Menstrual hygiene products shall be available, as
3 needed, free of charge, at all institutions and facilities of
4 the Department for all committed persons who menstruate. In
5 this subsection (j), "menstrual hygiene products" means
6 tampons and sanitary napkins for use in connection with the
7 menstrual cycle.

8 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
9 103-154, eff. 6-30-23; 103-331, eff. 1-1-24; revised 7-22-24.)

10 (730 ILCS 5/3-13-4) (from Ch. 38, par. 1003-13-4)

11 Sec. 3-13-4. Rules and sanctions.➤

12 (a) The Department shall establish rules governing release
13 status and shall provide written copies of such rules to both
14 the committed person on work or day release and to the employer
15 or other person responsible for the individual. Such employer
16 or other responsible person shall agree to abide by such
17 rules, notify the Department of any violation thereof by the
18 individual on release status, and notify the Department of the
19 discharge of the person from work or other programs.

20 (b) If a committed person violates any rule, the
21 Department may impose sanctions appropriate to the violation.
22 The Department shall provide sanctions for unauthorized
23 absences which shall include prosecution for escape under
24 Section 3-6-4.

25 (c) An order certified by the Director, Assistant

1 Director, or the Supervisor of the Apprehension Unit, or a
2 person duly designated by him or her, with the seal of the
3 Department of Corrections attached and directed to all
4 sheriffs, coroners, police officers, or to any particular
5 persons named in the order shall be sufficient warrant for the
6 officer or person named therein to arrest and deliver the
7 violator to the proper correctional official. Such order shall
8 be executed the same as criminal processes.

9 In the event that a work-releasee is arrested for another
10 crime, the sheriff or police officer shall hold the releasee
11 in custody until he notifies the nearest Office of Field
12 Services or any of the above-named persons designated in this
13 Section to certify the particular process or warrant.

14 (d) Not less than 3 days prior to any person being placed
15 in a work release facility, the Department of Corrections
16 shall provide to the State's Attorney and Sheriff of the
17 county in which the work release center is located, relevant
18 identifying information concerning the person to be placed in
19 the work release facility. Such information shall include, but
20 not be limited to, such identifying information as name, age,
21 physical description, photograph, the offense, and the
22 sentence for which the person is serving time in the
23 Department of Corrections, and like information. The
24 Department of Corrections shall, in addition, give written
25 notice not less than 3 days prior to the placement to the
26 State's Attorney of the county from which the offender was

1 originally sentenced. The notification requirements of this
2 subsection (d) may be electronic notification for individuals
3 required to be housed outside the penitentiary system pursuant
4 to subsection (a) of Section 5-8-6.

5 (e) For those individuals required to be housed outside
6 the penitentiary system as outlined in subsection (a) of
7 Section 5-8-6, the Department as soon as reasonably
8 practicable shall provide the State's Attorney and Sheriff of
9 the county in which the work release center is located,
10 relevant identifying information concerning the person to be
11 placed in the work release facility. Such information shall
12 include, but is not limited to, such identifying information
13 as name, age, physical description, photograph, the offense,
14 and the sentence for which the person is serving time in the
15 custody of the Department of Corrections, and similar
16 information. The Department of Corrections shall, in addition,
17 give electronic notice as soon as reasonably practicable to
18 the State's Attorney of the county from which the individual
19 was originally sentenced.

20 (Source: P.A. 103-358, eff. 1-1-24; revised 7-22-24.)

21 (730 ILCS 5/5-5-3.2)

22 Sec. 5-5-3.2. Factors in aggravation and extended-term
23 sentencing.

24 (a) The following factors shall be accorded weight in
25 favor of imposing a term of imprisonment or may be considered

1 by the court as reasons to impose a more severe sentence under
2 Section 5-8-1 or Article 4.5 of Chapter V:

3 (1) the defendant's conduct caused or threatened
4 serious harm;

5 (2) the defendant received compensation for committing
6 the offense;

7 (3) the defendant has a history of prior delinquency
8 or criminal activity;

9 (4) the defendant, by the duties of his office or by
10 his position, was obliged to prevent the particular
11 offense committed or to bring the offenders committing it
12 to justice;

13 (5) the defendant held public office at the time of
14 the offense, and the offense related to the conduct of
15 that office;

16 (6) the defendant utilized his professional reputation
17 or position in the community to commit the offense, or to
18 afford him an easier means of committing it;

19 (7) the sentence is necessary to deter others from
20 committing the same crime;

21 (8) the defendant committed the offense against a
22 person 60 years of age or older or such person's property;

23 (9) the defendant committed the offense against a
24 person who has a physical disability or such person's
25 property;

26 (10) by reason of another individual's actual or

1 perceived race, color, creed, religion, ancestry, gender,
2 sexual orientation, physical or mental disability, or
3 national origin, the defendant committed the offense
4 against (i) the person or property of that individual;
5 (ii) the person or property of a person who has an
6 association with, is married to, or has a friendship with
7 the other individual; or (iii) the person or property of a
8 relative (by blood or marriage) of a person described in
9 clause (i) or (ii). For the purposes of this Section,
10 "sexual orientation" has the meaning ascribed to it in
11 paragraph (0-1) of Section 1-103 of the Illinois Human
12 Rights Act;

13 (11) the offense took place in a place of worship or on
14 the grounds of a place of worship, immediately prior to,
15 during or immediately following worship services. For
16 purposes of this subparagraph, "place of worship" shall
17 mean any church, synagogue or other building, structure or
18 place used primarily for religious worship;

19 (12) the defendant was convicted of a felony committed
20 while he was on pretrial release or his own recognizance
21 pending trial for a prior felony and was convicted of such
22 prior felony, or the defendant was convicted of a felony
23 committed while he was serving a period of probation,
24 conditional discharge, or mandatory supervised release
25 under subsection (d) of Section 5-8-1 for a prior felony;

26 (13) the defendant committed or attempted to commit a

1 felony while he was wearing a bulletproof vest. For the
2 purposes of this paragraph (13), a bulletproof vest is any
3 device which is designed for the purpose of protecting the
4 wearer from bullets, shot or other lethal projectiles;

5 (14) the defendant held a position of trust or
6 supervision such as, but not limited to, family member as
7 defined in Section 11-0.1 of the Criminal Code of 2012,
8 teacher, scout leader, baby sitter, or day care worker, in
9 relation to a victim under 18 years of age, and the
10 defendant committed an offense in violation of Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
12 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
14 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
15 or 12-16 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 against that victim;

17 (15) the defendant committed an offense related to the
18 activities of an organized gang. For the purposes of this
19 factor, "organized gang" has the meaning ascribed to it in
20 Section 10 of the Streetgang Terrorism Omnibus Prevention
21 Act;

22 (16) the defendant committed an offense in violation
23 of one of the following Sections while in a school,
24 regardless of the time of day or time of year; on any
25 conveyance owned, leased, or contracted by a school to
26 transport students to or from school or a school related

1 activity; on the real property of a school; or on a public
2 way within 1,000 feet of the real property comprising any
3 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
5 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
6 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
7 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
8 for subdivision (a)(4) or (g)(1), of the Criminal Code of
9 1961 or the Criminal Code of 2012;

10 (16.5) the defendant committed an offense in violation
11 of one of the following Sections while in a day care
12 center, regardless of the time of day or time of year; on
13 the real property of a day care center, regardless of the
14 time of day or time of year; or on a public way within
15 1,000 feet of the real property comprising any day care
16 center, regardless of the time of day or time of year:
17 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
18 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
19 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
20 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
21 18-2, or 33A-2, or Section 12-3.05 except for subdivision
22 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
23 Criminal Code of 2012;

24 (17) the defendant committed the offense by reason of
25 any person's activity as a community policing volunteer or
26 to prevent any person from engaging in activity as a

1 community policing volunteer. For the purpose of this
2 Section, "community policing volunteer" has the meaning
3 ascribed to it in Section 2-3.5 of the Criminal Code of
4 2012;

5 (18) the defendant committed the offense in a nursing
6 home or on the real property comprising a nursing home.
7 For the purposes of this paragraph (18), "nursing home"
8 means a skilled nursing or intermediate long term care
9 facility that is subject to license by the Illinois
10 Department of Public Health under the Nursing Home Care
11 Act, the Specialized Mental Health Rehabilitation Act of
12 2013, the ID/DD Community Care Act, or the MC/DD Act;

13 (19) the defendant was a federally licensed firearm
14 dealer and was previously convicted of a violation of
15 subsection (a) of Section 3 of the Firearm Owners
16 Identification Card Act and has now committed either a
17 felony violation of the Firearm Owners Identification Card
18 Act or an act of armed violence while armed with a firearm;

19 (20) the defendant (i) committed the offense of
20 reckless homicide under Section 9-3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012 or the offense of
22 driving under the influence of alcohol, other drug or
23 drugs, intoxicating compound or compounds or any
24 combination thereof under Section 11-501 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance
26 and (ii) was operating a motor vehicle in excess of 20

1 miles per hour over the posted speed limit as provided in
2 Article VI of Chapter 11 of the Illinois Vehicle Code;

3 (21) the defendant (i) committed the offense of
4 reckless driving or aggravated reckless driving under
5 Section 11-503 of the Illinois Vehicle Code and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a
10 person that the defendant knew, or reasonably should have
11 known, was a member of the Armed Forces of the United
12 States serving on active duty. For purposes of this clause
13 (22), the term "Armed Forces" means any of the Armed
14 Forces of the United States, including a member of any
15 reserve component thereof or National Guard unit called to
16 active duty;

17 (23) the defendant committed the offense against a
18 person who was elderly or infirm or who was a person with a
19 disability by taking advantage of a family or fiduciary
20 relationship with the elderly or infirm person or person
21 with a disability;

22 (24) the defendant committed any offense under Section
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 and possessed 100 or more images;

25 (25) the defendant committed the offense while the
26 defendant or the victim was in a train, bus, or other

1 vehicle used for public transportation;

2 (26) the defendant committed the offense of child
3 pornography or aggravated child pornography, specifically
4 including paragraph (1), (2), (3), (4), (5), or (7) of
5 subsection (a) of Section 11-20.1 of the Criminal Code of
6 1961 or the Criminal Code of 2012 where a child engaged in,
7 solicited for, depicted in, or posed in any act of sexual
8 penetration or bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in a sexual context
10 and specifically including paragraph (1), (2), (3), (4),
11 (5), or (7) of subsection (a) of Section 11-20.1B or
12 Section 11-20.3 of the Criminal Code of 1961 where a child
13 engaged in, solicited for, depicted in, or posed in any
14 act of sexual penetration or bound, fettered, or subject
15 to sadistic, masochistic, or sadomasochistic abuse in a
16 sexual context;

17 (26.5) the defendant committed the offense of obscene
18 depiction of a purported child, specifically including
19 paragraph (2) of subsection (b) of Section 11-20.4 of the
20 Criminal Code of 2012 if a child engaged in, solicited
21 for, depicted in, or posed in any act of sexual
22 penetration or bound, fettered, or subject to sadistic,
23 masochistic, or sadomasochistic abuse in a sexual context;

24 (27) the defendant committed the offense of first
25 degree murder, assault, aggravated assault, battery,
26 aggravated battery, robbery, armed robbery, or aggravated

1 robbery against a person who was a veteran and the
2 defendant knew, or reasonably should have known, that the
3 person was a veteran performing duties as a representative
4 of a veterans' organization. For the purposes of this
5 paragraph (27), "veteran" means an Illinois resident who
6 has served as a member of the United States Armed Forces, a
7 member of the Illinois National Guard, or a member of the
8 United States Reserve Forces; and "veterans' organization"
9 means an organization comprised of members of which
10 substantially all are individuals who are veterans or
11 spouses, widows, or widowers of veterans, the primary
12 purpose of which is to promote the welfare of its members
13 and to provide assistance to the general public in such a
14 way as to confer a public benefit;

15 (28) the defendant committed the offense of assault,
16 aggravated assault, battery, aggravated battery, robbery,
17 armed robbery, or aggravated robbery against a person that
18 the defendant knew or reasonably should have known was a
19 letter carrier or postal worker while that person was
20 performing his or her duties delivering mail for the
21 United States Postal Service;

22 (29) the defendant committed the offense of criminal
23 sexual assault, aggravated criminal sexual assault,
24 criminal sexual abuse, or aggravated criminal sexual abuse
25 against a victim with an intellectual disability, and the
26 defendant holds a position of trust, authority, or

1 supervision in relation to the victim;

2 (30) the defendant committed the offense of promoting
3 juvenile prostitution, patronizing a prostitute, or
4 patronizing a minor engaged in prostitution and at the
5 time of the commission of the offense knew that the
6 prostitute or minor engaged in prostitution was in the
7 custody or guardianship of the Department of Children and
8 Family Services;

9 (31) the defendant (i) committed the offense of
10 driving while under the influence of alcohol, other drug
11 or drugs, intoxicating compound or compounds or any
12 combination thereof in violation of Section 11-501 of the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance and (ii) the defendant during the commission of
15 the offense was driving his or her vehicle upon a roadway
16 designated for one-way traffic in the opposite direction
17 of the direction indicated by official traffic control
18 devices;

19 (32) the defendant committed the offense of reckless
20 homicide while committing a violation of Section 11-907 of
21 the Illinois Vehicle Code;

22 (33) the defendant was found guilty of an
23 administrative infraction related to an act or acts of
24 public indecency or sexual misconduct in the penal
25 institution. In this paragraph (33), "penal institution"
26 has the same meaning as in Section 2-14 of the Criminal

1 Code of 2012; or

2 (34) the defendant committed the offense of leaving
3 the scene of a crash in violation of subsection (b) of
4 Section 11-401 of the Illinois Vehicle Code and the crash
5 resulted in the death of a person and at the time of the
6 offense, the defendant was: (i) driving under the
7 influence of alcohol, other drug or drugs, intoxicating
8 compound or compounds or any combination thereof as
9 defined by Section 11-501 of the Illinois Vehicle Code; or
10 (ii) operating the motor vehicle while using an electronic
11 communication device as defined in Section 12-610.2 of the
12 Illinois Vehicle Code.

13 For the purposes of this Section:

14 "School" is defined as a public or private elementary or
15 secondary school, community college, college, or university.

16 "Day care center" means a public or private State
17 certified and licensed day care center as defined in Section
18 2.09 of the Child Care Act of 1969 that displays a sign in
19 plain view stating that the property is a day care center.

20 "Intellectual disability" means significantly subaverage
21 intellectual functioning which exists concurrently with
22 impairment in adaptive behavior.

23 "Public transportation" means the transportation or
24 conveyance of persons by means available to the general
25 public, and includes paratransit services.

26 "Traffic control devices" means all signs, signals,

1 markings, and devices that conform to the Illinois Manual on
2 Uniform Traffic Control Devices, placed or erected by
3 authority of a public body or official having jurisdiction,
4 for the purpose of regulating, warning, or guiding traffic.

5 (b) The following factors, related to all felonies, may be
6 considered by the court as reasons to impose an extended term
7 sentence under Section 5-8-2 upon any offender:

8 (1) When a defendant is convicted of any felony, after
9 having been previously convicted in Illinois or any other
10 jurisdiction of the same or similar class felony or
11 greater class felony, when such conviction has occurred
12 within 10 years after the previous conviction, excluding
13 time spent in custody, and such charges are separately
14 brought and tried and arise out of different series of
15 acts; or

16 (2) When a defendant is convicted of any felony and
17 the court finds that the offense was accompanied by
18 exceptionally brutal or heinous behavior indicative of
19 wanton cruelty; or

20 (3) When a defendant is convicted of any felony
21 committed against:

22 (i) a person under 12 years of age at the time of
23 the offense or such person's property;

24 (ii) a person 60 years of age or older at the time
25 of the offense or such person's property; or

26 (iii) a person who had a physical disability at

1 the time of the offense or such person's property; or

2 (4) When a defendant is convicted of any felony and
3 the offense involved any of the following types of
4 specific misconduct committed as part of a ceremony, rite,
5 initiation, observance, performance, practice or activity
6 of any actual or ostensible religious, fraternal, or
7 social group:

8 (i) the brutalizing or torturing of humans or
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,
13 fraternal, business, governmental, educational, or
14 other building or property; or

15 (v) ritualized abuse of a child; or

16 (5) When a defendant is convicted of a felony other
17 than conspiracy and the court finds that the felony was
18 committed under an agreement with 2 or more other persons
19 to commit that offense and the defendant, with respect to
20 the other individuals, occupied a position of organizer,
21 supervisor, financier, or any other position of management
22 or leadership, and the court further finds that the felony
23 committed was related to or in furtherance of the criminal
24 activities of an organized gang or was motivated by the
25 defendant's leadership in an organized gang; or

26 (6) When a defendant is convicted of an offense

1 committed while using a firearm with a laser sight
2 attached to it. For purposes of this paragraph, "laser
3 sight" has the meaning ascribed to it in Section 26-7 of
4 the Criminal Code of 2012; or

5 (7) When a defendant who was at least 17 years of age
6 at the time of the commission of the offense is convicted
7 of a felony and has been previously adjudicated a
8 delinquent minor under the Juvenile Court Act of 1987 for
9 an act that if committed by an adult would be a Class X or
10 Class 1 felony when the conviction has occurred within 10
11 years after the previous adjudication, excluding time
12 spent in custody; or

13 (8) When a defendant commits any felony and the
14 defendant used, possessed, exercised control over, or
15 otherwise directed an animal to assault a law enforcement
16 officer engaged in the execution of his or her official
17 duties or in furtherance of the criminal activities of an
18 organized gang in which the defendant is engaged; or

19 (9) When a defendant commits any felony and the
20 defendant knowingly video or audio records the offense
21 with the intent to disseminate the recording.

22 (c) The following factors may be considered by the court
23 as reasons to impose an extended term sentence under Section
24 5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed
25 offenses:

26 (1) When a defendant is convicted of first degree

1 murder, after having been previously convicted in Illinois
2 of any offense listed under paragraph (c)(2) of Section
3 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has
4 occurred within 10 years after the previous conviction,
5 excluding time spent in custody, and the charges are
6 separately brought and tried and arise out of different
7 series of acts.

8 (1.5) When a defendant is convicted of first degree
9 murder, after having been previously convicted of domestic
10 battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery
11 ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after
12 having been previously convicted of violation of an order
13 of protection ~~(720 ILCS 5/12-30)~~ in which the same victim
14 was the protected person.

15 (2) When a defendant is convicted of voluntary
16 manslaughter, second degree murder, involuntary
17 manslaughter, or reckless homicide in which the defendant
18 has been convicted of causing the death of more than one
19 individual.

20 (3) When a defendant is convicted of aggravated
21 criminal sexual assault or criminal sexual assault, when
22 there is a finding that aggravated criminal sexual assault
23 or criminal sexual assault was also committed on the same
24 victim by one or more other individuals, and the defendant
25 voluntarily participated in the crime with the knowledge
26 of the participation of the others in the crime, and the

1 commission of the crime was part of a single course of
2 conduct during which there was no substantial change in
3 the nature of the criminal objective.

4 (4) If the victim was under 18 years of age at the time
5 of the commission of the offense, when a defendant is
6 convicted of aggravated criminal sexual assault or
7 predatory criminal sexual assault of a child under
8 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
9 of Section 12-14.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 ~~(720 ILCS 5/11-1.40 or 5/12-14.1)~~.

11 (5) When a defendant is convicted of a felony
12 violation of Section 24-1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a
14 finding that the defendant is a member of an organized
15 gang.

16 (6) When a defendant was convicted of unlawful
17 possession of weapons under Section 24-1 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~
19 for possessing a weapon that is not readily
20 distinguishable as one of the weapons enumerated in
21 Section 24-1 of the Criminal Code of 1961 or the Criminal
22 Code of 2012 ~~(720 ILCS 5/24-1)~~.

23 (7) When a defendant is convicted of an offense
24 involving the illegal manufacture of a controlled
25 substance under Section 401 of the Illinois Controlled
26 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture

1 of methamphetamine under Section 25 of the Methamphetamine
2 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or
3 the illegal possession of explosives and an emergency
4 response officer in the performance of his or her duties
5 is killed or injured at the scene of the offense while
6 responding to the emergency caused by the commission of
7 the offense. In this paragraph, "emergency" means a
8 situation in which a person's life, health, or safety is
9 in jeopardy; and "emergency response officer" means a
10 peace officer, community policing volunteer, fireman,
11 emergency medical technician-ambulance, emergency medical
12 technician-intermediate, emergency medical
13 technician-paramedic, ambulance driver, other medical
14 assistance or first aid personnel, or hospital emergency
15 room personnel.

16 (8) When the defendant is convicted of attempted mob
17 action, solicitation to commit mob action, or conspiracy
18 to commit mob action under Section 8-1, 8-2, or 8-4 of the
19 Criminal Code of 2012, where the criminal object is a
20 violation of Section 25-1 of the Criminal Code of 2012,
21 and an electronic communication is used in the commission
22 of the offense. For the purposes of this paragraph (8),
23 "electronic communication" shall have the meaning provided
24 in Section 26.5-0.1 of the Criminal Code of 2012.

25 (d) For the purposes of this Section, "organized gang" has
26 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under
3 Article 4.5 of Chapter V upon an offender who has been
4 convicted of a felony violation of Section 11-1.20, 11-1.30,
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
7 when the victim of the offense is under 18 years of age at the
8 time of the commission of the offense and, during the
9 commission of the offense, the victim was under the influence
10 of alcohol, regardless of whether or not the alcohol was
11 supplied by the offender; and the offender, at the time of the
12 commission of the offense, knew or should have known that the
13 victim had consumed alcohol.

14 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;
15 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

16 (730 ILCS 5/5-6-3.6)

17 Sec. 5-6-3.6. First Time Weapon Offense Program.

18 (a) The General Assembly has sought to promote public
19 safety, reduce recidivism, and conserve valuable resources of
20 the criminal justice system through the creation of diversion
21 programs for non-violent offenders. Public Act 103-370 ~~This~~
22 ~~amendatory Act of the 103rd General Assembly~~ establishes a
23 program for first-time, non-violent offenders charged with
24 certain weapons possession offenses. The General Assembly
25 recognizes some persons, particularly in areas of high crime

1 or poverty, may have experienced trauma that contributes to
2 poor decision making skills, and the creation of a
3 diversionary program poses a greater benefit to the community
4 and the person than incarceration. Under this program, a
5 court, with the consent of the defendant and the State's
6 Attorney, may sentence a defendant charged with an unlawful
7 possession of weapons offense under Section 24-1 of the
8 Criminal Code of 2012 or aggravated unlawful possession of a
9 weapon offense under Section 24-1.6 of the Criminal Code of
10 2012, if punishable as a Class 4 felony or lower, to a First
11 Time Weapon Offense Program.

12 (b) A defendant is not eligible for this Program if:

13 (1) the offense was committed during the commission of
14 a violent offense as defined in subsection (h) of this
15 Section;

16 (2) he or she has previously been convicted or placed
17 on probation or conditional discharge for any violent
18 offense under the laws of this State, the laws of any other
19 state, or the laws of the United States;

20 (3) he or she had a prior successful completion of the
21 First Time Weapon Offense Program under this Section;

22 (4) he or she has previously been adjudicated a
23 delinquent minor for the commission of a violent offense;

24 (5) (blank); or

25 (6) he or she has an existing order of protection
26 issued against him or her.

1 (b-5) In considering whether a defendant shall be
2 sentenced to the First Time Weapon Offense Program, the court
3 shall consider the following:

4 (1) the age, immaturity, or limited mental capacity of
5 the defendant;

6 (2) the nature and circumstances of the offense;

7 (3) whether participation in the Program is in the
8 interest of the defendant's rehabilitation, including any
9 employment or involvement in community, educational,
10 training, or vocational programs;

11 (4) whether the defendant suffers from trauma, as
12 supported by documentation or evaluation by a licensed
13 professional; and

14 (5) the potential risk to public safety.

15 (c) For an offense committed on or after January 1, 2018
16 (the effective date of Public Act 100-3) whenever an eligible
17 person pleads guilty to an unlawful possession of weapons
18 offense under Section 24-1 of the Criminal Code of 2012 or
19 aggravated unlawful possession of a weapon offense under
20 Section 24-1.6 of the Criminal Code of 2012, which is
21 punishable as a Class 4 felony or lower, the court, with the
22 consent of the defendant and the State's Attorney, may,
23 without entering a judgment, sentence the defendant to
24 complete the First Time Weapon Offense Program. When a
25 defendant is placed in the Program, the court shall defer
26 further proceedings in the case until the conclusion of the

1 period or until the filing of a petition alleging violation of
2 a term or condition of the Program. A disposition of probation
3 is considered to be a conviction for the purposes of imposing
4 the conditions of probation and for appeal;¹⁷ however, a
5 sentence under this Section is not a conviction for purposes
6 of this Act or for purposes of disqualifications or
7 disabilities imposed by law upon conviction of a crime unless
8 and until judgment is entered. Upon violation of a term or
9 condition of the Program, the court may enter a judgment on its
10 original finding of guilt and proceed as otherwise provided by
11 law. Upon fulfillment of the terms and conditions of the
12 Program, the court shall discharge the person and dismiss the
13 proceedings against the person.

14 (d) The Program shall be at least 6 months and not to
15 exceed 24 months, as determined by the court at the
16 recommendation of the Program administrator and the State's
17 Attorney. The Program administrator may be appointed by the
18 Chief Judge of each Judicial Circuit.

19 (e) The conditions of the Program shall be that the
20 defendant:

21 (1) not violate any criminal statute of this State or
22 any other jurisdiction;

23 (2) refrain from possessing a firearm or other
24 dangerous weapon;

25 (3) (blank);

26 (4) (blank);

1 (5) (blank);

2 (6) (blank);

3 (7) attend and participate in any Program activities
4 deemed required by the Program administrator, such as:
5 counseling sessions, in-person and over the phone
6 check-ins, and educational classes; and

7 (8) (blank).

8 (f) The Program may, in addition to other conditions,
9 require that the defendant:

10 (1) obtain or attempt to obtain employment;

11 (2) attend educational courses designed to prepare the
12 defendant for obtaining a high school diploma or to work
13 toward passing high school equivalency testing or to work
14 toward completing a vocational training program;

15 (3) refrain from having in his or her body the
16 presence of any illicit drug prohibited by the
17 Methamphetamine Control and Community Protection Act or
18 the Illinois Controlled Substances Act, unless prescribed
19 by a physician, and submit samples of his or her blood or
20 urine or both for tests to determine the presence of any
21 illicit drug;

22 (4) perform community service;

23 (5) pay all fines, assessments, fees, and costs; and

24 (6) comply with such other reasonable conditions as
25 the court may impose.

26 (g) There may be only one discharge and dismissal under

1 this Section. If a person is convicted of any offense which
2 occurred within 5 years subsequent to a discharge and
3 dismissal under this Section, the discharge and dismissal
4 under this Section shall be admissible in the sentencing
5 proceeding for that conviction as evidence in aggravation.

6 (h) For purposes of this Section, "violent offense" means
7 any offense in which bodily harm was inflicted or force was
8 used against any person or threatened against any person; any
9 offense involving the possession of a firearm or dangerous
10 weapon; any offense involving sexual conduct, sexual
11 penetration, or sexual exploitation; violation of an order of
12 protection, stalking, hate crime, domestic battery, or any
13 offense of domestic violence.

14 (i) (Blank).

15 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;
16 103-370, eff. 7-28-23; 103-702, eff. 1-1-25; 103-822, eff.
17 1-1-25; revised 11-26-24.)

18 (730 ILCS 5/5-6-3.8)

19 Sec. 5-6-3.8. Eligibility for programs restricted by
20 felony background. Any conviction entered prior to July 1,
21 2021 (the effective date of Public Act 101-652) ~~this~~
22 ~~amendatory Act of the 101st General Assembly~~ for:

23 (1) felony possession of a controlled substance, or
24 possession with intent to manufacture or deliver a
25 controlled substance, in a total amount equal to or less

1 than the amounts listed in subsection (a-5) of Section 402
2 of the Illinois Controlled Substances Act; or

3 (2) felony possession of methamphetamine, or
4 possession with intent to deliver methamphetamine, in an
5 amount less than 3 grams; or any adjudication of
6 delinquency under the Juvenile Court Act of 1987 for acts
7 that would have constituted those felonies if committed by
8 an adult;~~it~~

9 shall be treated as a Class A misdemeanor for the purposes of
10 evaluating a defendant's eligibility for programs of qualified
11 probation, impact incarceration, or any other diversion,
12 deflection, probation, or other program for which felony
13 background or delinquency background is a factor in
14 determining eligibility.~~u.~~

15 (Source: P.A. 101-652, eff. 7-1-21; revised 1-15-25.)

16 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

17 Sec. 5-8-1. Natural life imprisonment; enhancements for
18 use of a firearm; mandatory supervised release terms.

19 (a) Except as otherwise provided in the statute defining
20 the offense or in Article 4.5 of Chapter V, a sentence of
21 imprisonment for a felony shall be a determinate sentence set
22 by the court under this Section, subject to Section 5-4.5-115
23 of this Code, according to the following limitations:

24 (1) for first degree murder,

25 (a) (blank),

1 (b) if a trier of fact finds beyond a reasonable
2 doubt that the murder was accompanied by exceptionally
3 brutal or heinous behavior indicative of wanton
4 cruelty or, except as set forth in subsection
5 (a) (1) (c) of this Section, that any of the aggravating
6 factors listed in subparagraph (b-5) are present, the
7 court may sentence the defendant, subject to Section
8 5-4.5-105, to a term of natural life imprisonment, or

9 (b-5) a ~~A~~ defendant who at the time of the
10 commission of the offense has attained the age of 18 or
11 more and who has been found guilty of first degree
12 murder may be sentenced to a term of natural life
13 imprisonment if:

14 (1) the murdered individual was an inmate at
15 an institution or facility of the Department of
16 Corrections, or any similar local correctional
17 agency and was killed on the grounds thereof, or
18 the murdered individual was otherwise present in
19 such institution or facility with the knowledge
20 and approval of the chief administrative officer
21 thereof;

22 (2) the murdered individual was killed as a
23 result of the hijacking of an airplane, train,
24 ship, bus, or other public conveyance;

25 (3) the defendant committed the murder
26 pursuant to a contract, agreement, or

understanding by which he or she was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value;

(4) the murdered individual was killed in the course of another felony if:

(A) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and (B) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of clause (A) of this

1 clause (4), the defendant acted with the
2 intent to kill the murdered individual or
3 with the knowledge that his or her acts
4 created a strong probability of death or
5 great bodily harm to the murdered
6 individual or another; and

7 (B) in performing the acts which caused
8 the death of the murdered individual or which
9 resulted in physical injuries personally
10 inflicted by the defendant on the murdered
11 individual under the circumstances of
12 subdivision (ii) of clause (A) of this clause
13 (4), the defendant acted with the intent to
14 kill the murdered individual or with the
15 knowledge that his or her acts created a
16 strong probability of death or great bodily
17 harm to the murdered individual or another;
18 and

19 (C) the other felony was an inherently
20 violent crime or the attempt to commit an
21 inherently violent crime. In this clause (C),
22 "inherently violent crime" includes, but is
23 not limited to, armed robbery, robbery,
24 predatory criminal sexual assault of a child,
25 aggravated criminal sexual assault, aggravated
26 kidnapping, aggravated vehicular hijacking,

1 aggravated arson, aggravated stalking,
2 residential burglary, and home invasion;

3 (5) the defendant committed the murder with
4 intent to prevent the murdered individual from
5 testifying or participating in any criminal
6 investigation or prosecution or giving material
7 assistance to the State in any investigation or
8 prosecution, either against the defendant or
9 another; or the defendant committed the murder
10 because the murdered individual was a witness in
11 any prosecution or gave material assistance to the
12 State in any investigation or prosecution, either
13 against the defendant or another; for purposes of
14 this clause (5), "participating in any criminal
15 investigation or prosecution" is intended to
16 include those appearing in the proceedings in any
17 capacity such as trial judges, prosecutors,
18 defense attorneys, investigators, witnesses, or
19 jurors;

20 (6) the defendant, while committing an offense
21 punishable under Section 401, 401.1, 401.2, 405,
22 405.2, 407, or 407.1 or subsection (b) of Section
23 404 of the Illinois Controlled Substances Act, or
24 while engaged in a conspiracy or solicitation to
25 commit such offense, intentionally killed an
26 individual or counseled, commanded, induced,

1 procured, or caused the intentional killing of the
2 murdered individual;

3 (7) the defendant was incarcerated in an
4 institution or facility of the Department of
5 Corrections at the time of the murder, and while
6 committing an offense punishable as a felony under
7 Illinois law, or while engaged in a conspiracy or
8 solicitation to commit such offense, intentionally
9 killed an individual or counseled, commanded,
10 induced, procured, or caused the intentional
11 killing of the murdered individual;

12 (8) the murder was committed in a cold,
13 calculated and premeditated manner pursuant to a
14 preconceived plan, scheme, or design to take a
15 human life by unlawful means, and the conduct of
16 the defendant created a reasonable expectation
17 that the death of a human being would result
18 therefrom;

19 (9) the defendant was a principal
20 administrator, organizer, or leader of a
21 calculated criminal drug conspiracy consisting of
22 a hierarchical position of authority superior to
23 that of all other members of the conspiracy, and
24 the defendant counseled, commanded, induced,
25 procured, or caused the intentional killing of the
26 murdered person;

1 (10) the murder was intentional and involved
2 the infliction of torture. For the purpose of this
3 clause (10), torture means the infliction of or
4 subjection to extreme physical pain, motivated by
5 an intent to increase or prolong the pain,
6 suffering, or agony of the victim;

7 (11) the murder was committed as a result of
8 the intentional discharge of a firearm by the
9 defendant from a motor vehicle and the victim was
10 not present within the motor vehicle;

11 (12) the murdered individual was a person with
12 a disability and the defendant knew or should have
13 known that the murdered individual was a person
14 with a disability. For purposes of this clause
15 (12), "person with a disability" means a person
16 who suffers from a permanent physical or mental
17 impairment resulting from disease, an injury, a
18 functional disorder, or a congenital condition
19 that renders the person incapable of adequately
20 providing for his or her own health or personal
21 care;

22 (13) the murdered individual was subject to an
23 order of protection and the murder was committed
24 by a person against whom the same order of
25 protection was issued under the Illinois Domestic
26 Violence Act of 1986;

1 (14) the murdered individual was known by the
2 defendant to be a teacher or other person employed
3 in any school and the teacher or other employee is
4 upon the grounds of a school or grounds adjacent
5 to a school, or is in any part of a building used
6 for school purposes;

7 (15) the murder was committed by the defendant
8 in connection with or as a result of the offense of
9 terrorism as defined in Section 29D-14.9 of this
10 Code;

11 (16) the murdered individual was a member of a
12 congregation engaged in prayer or other religious
13 activities at a church, synagogue, mosque, or
14 other building, structure, or place used for
15 religious worship; or

16 (17)(i) the murdered individual was a
17 physician, physician assistant, psychologist,
18 nurse, or advanced practice registered nurse;

19 (ii) the defendant knew or should have known
20 that the murdered individual was a physician,
21 physician assistant, psychologist, nurse, or
22 advanced practice registered nurse; and

23 (iii) the murdered individual was killed in
24 the course of acting in his or her capacity as a
25 physician, physician assistant, psychologist,
26 nurse, or advanced practice registered nurse, or

1 to prevent him or her from acting in that
2 capacity, or in retaliation for his or her acting
3 in that capacity.

4 (c) the court shall sentence the defendant to a
5 term of natural life imprisonment if the defendant, at
6 the time of the commission of the murder, had attained
7 the age of 18, and:

8 (i) has previously been convicted of first
9 degree murder under any state or federal law, or

10 (ii) is found guilty of murdering more than
11 one victim, or

12 (iii) is found guilty of murdering a peace
13 officer, fireman, or emergency management worker
14 when the peace officer, fireman, or emergency
15 management worker was killed in the course of
16 performing his official duties, or to prevent the
17 peace officer or fireman from performing his
18 official duties, or in retaliation for the peace
19 officer, fireman, or emergency management worker
20 from performing his official duties, and the
21 defendant knew or should have known that the
22 murdered individual was a peace officer, fireman,
23 or emergency management worker, or

24 (iv) is found guilty of murdering an employee
25 of an institution or facility of the Department of
26 Corrections, or any similar local correctional

1 agency, when the employee was killed in the course
2 of performing his official duties, or to prevent
3 the employee from performing his official duties,
4 or in retaliation for the employee performing his
5 official duties, or

6 (v) is found guilty of murdering an emergency
7 medical technician - ambulance, emergency medical
8 technician - intermediate, emergency medical
9 technician - paramedic, ambulance driver, or other
10 medical assistance or first aid person while
11 employed by a municipality or other governmental
12 unit when the person was killed in the course of
13 performing official duties or to prevent the
14 person from performing official duties or in
15 retaliation for performing official duties and the
16 defendant knew or should have known that the
17 murdered individual was an emergency medical
18 technician - ambulance, emergency medical
19 technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver, or other
21 medical assistant or first aid personnel, or

22 (vi) (blank), or

23 (vii) is found guilty of first degree murder
24 and the murder was committed by reason of any
25 person's activity as a community policing
26 volunteer or to prevent any person from engaging

1 in activity as a community policing volunteer. For
2 the purpose of this Section, "community policing
3 volunteer" has the meaning ascribed to it in
4 Section 2-3.5 of the Criminal Code of 2012.

5 For purposes of clause (v), "emergency medical
6 technician - ambulance", "emergency medical technician
7 - intermediate", and "emergency medical technician -
8 paramedic"~~7~~ have the meanings ascribed to them in the
9 Emergency Medical Services (EMS) Systems Act.

10 (d)(i) if the person committed the offense while
11 armed with a firearm, 15 years shall be added to
12 the term of imprisonment imposed by the court;

13 (ii) if, during the commission of the offense, the
14 person personally discharged a firearm, 20 years shall
15 be added to the term of imprisonment imposed by the
16 court;

17 (iii) if, during the commission of the offense,
18 the person personally discharged a firearm that
19 proximately caused great bodily harm, permanent
20 disability, permanent disfigurement, or death to
21 another person, 25 years or up to a term of natural
22 life shall be added to the term of imprisonment
23 imposed by the court.

24 (2) (blank);

25 (2.5) for a person who has attained the age of 18 years
26 at the time of the commission of the offense and who is

1 convicted under the circumstances described in subdivision
2 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
3 subsection (b) of Section 12-13, subdivision (d)(2) of
4 Section 11-1.30 or paragraph (2) of subsection (d) of
5 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
6 paragraph (1.2) of subsection (b) of Section 12-14.1,
7 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
8 subsection (b) of Section 12-14.1 of the Criminal Code of
9 1961 or the Criminal Code of 2012, the sentence shall be a
10 term of natural life imprisonment.

11 (b) (Blank).

12 (c) (Blank).

13 (d) Subject to earlier termination under Section 3-3-8,
14 the parole or mandatory supervised release term shall be
15 written as part of the sentencing order and shall be as
16 follows:

17 (1) for first degree murder or for the offenses of
18 predatory criminal sexual assault of a child, aggravated
19 criminal sexual assault, and criminal sexual assault if
20 committed on or before December 12, 2005, 3 years;

21 (1.5) except as provided in paragraph (7) of this
22 subsection (d), for a Class X felony except for the
23 offenses of predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, and criminal sexual
25 assault if committed on or after December 13, 2005 (the
26 effective date of Public Act 94-715) and except for the

1 offense of aggravated child pornography under Section
2 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
3 subsection (c-5) of Section 11-20.1 of the Criminal Code
4 of 1961 or the Criminal Code of 2012, if committed on or
5 after January 1, 2009, and except for the offense of
6 obscene depiction of a purported child with sentencing
7 under subsection (d) of Section 11-20.4 of the Criminal
8 Code of 2012, 18 months;

9 (2) except as provided in paragraph (7) of this
10 subsection (d), for a Class 1 felony or a Class 2 felony
11 except for the offense of criminal sexual assault if
12 committed on or after December 13, 2005 (the effective
13 date of Public Act 94-715) and except for the offenses of
14 manufacture and dissemination of child pornography under
15 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012, if
17 committed on or after January 1, 2009, and except for the
18 offense of obscene depiction of a purported child under
19 paragraph (2) of subsection (b) of Section 11-20.4 of the
20 Criminal Code of 2012, 12 months;

21 (3) except as provided in paragraph (4), (6), or (7)
22 of this subsection (d), for a Class 3 felony or a Class 4
23 felony, 6 months; no later than 45 days after the onset of
24 the term of mandatory supervised release, the Prisoner
25 Review Board shall conduct a discretionary discharge
26 review pursuant to the provisions of Section 3-3-8, which

1 shall include the results of a standardized risk and needs
2 assessment tool administered by the Department of
3 Corrections; the changes to this paragraph (3) made by
4 Public Act 102-1104 ~~this amendatory Act of the 102nd~~
5 ~~General Assembly~~ apply to all individuals released on
6 mandatory supervised release on or after December 6, 2022
7 (the effective date of Public Act 102-1104) ~~this~~
8 ~~amendatory Act of the 102nd General Assembly~~, including
9 those individuals whose sentences were imposed prior to
10 December 6, 2022 (the effective date of Public Act
11 102-1104) ~~this amendatory Act of the 102nd General~~
12 ~~Assembly;~~

13 (4) for defendants who commit the offense of predatory
14 criminal sexual assault of a child, aggravated criminal
15 sexual assault, or criminal sexual assault, on or after
16 December 13, 2005 (the effective date of Public Act
17 94-715), or who commit the offense of aggravated child
18 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
19 with sentencing under subsection (c-5) of Section 11-20.1
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 manufacture of child pornography, or dissemination of
22 child pornography after January 1, 2009, or who commit the
23 offense of obscene depiction of a purported child under
24 paragraph (2) of subsection (b) of Section 11-20.4 of the
25 Criminal Code of 2012 or who commit the offense of obscene
26 depiction of a purported child with sentencing under

1 subsection (d) of Section 11-20.4 of the Criminal Code of
2 2012, the term of mandatory supervised release shall range
3 from a minimum of 3 years to a maximum of the natural life
4 of the defendant;

5 (5) if the victim is under 18 years of age, for a
6 second or subsequent offense of aggravated criminal sexual
7 abuse or felony criminal sexual abuse, 4 years, at least
8 the first 2 years of which the defendant shall serve in an
9 electronic monitoring or home detention program under
10 Article 8A of Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic
12 battery, stalking, aggravated stalking, and a felony
13 violation of an order of protection, 4 years;

14 (7) for any felony described in paragraph (a)(2)(ii),
15 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
16 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
17 3-6-3 of the Unified Code of Corrections requiring an
18 inmate to serve a minimum of 85% of their court-imposed
19 sentence, except for the offenses of predatory criminal
20 sexual assault of a child, aggravated criminal sexual
21 assault, and criminal sexual assault if committed on or
22 after December 13, 2005 (the effective date of Public Act
23 94-715) and except for the offense of aggravated child
24 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
25 with sentencing under subsection (c-5) of Section 11-20.1
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 if committed on or after January 1, 2009, and except for
2 the offense of obscene depiction of a purported child with
3 sentencing under subsection (d) of Section 11-20.4 of the
4 Criminal Code of 2012, and except as provided in paragraph
5 (4) or paragraph (6) of this subsection (d), the term of
6 mandatory supervised release shall be as follows:

7 (A) Class X felony, 3 years;

8 (B) Class 1 or Class 2 felonies, 2 years;

9 (C) Class 3 or Class 4 felonies, 1 year.

10 (e) (Blank).

11 (f) (Blank).

12 (g) Notwithstanding any other provisions of this Act and
13 of Public Act 101-652: (i) the provisions of paragraph (3) of
14 subsection (d) are effective on July 1, 2022 and shall apply to
15 all individuals convicted on or after the effective date of
16 paragraph (3) of subsection (d); and (ii) the provisions of
17 paragraphs (1.5) and (2) of subsection (d) are effective on
18 July 1, 2021 and shall apply to all individuals convicted on or
19 after the effective date of paragraphs (1.5) and (2) of
20 subsection (d).

21 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
22 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
23 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)

24 Section 1090. The Probation and Probation Officers Act is
25 amended by changing Section 16.1 as follows:

1 (730 ILCS 110/16.1)

2 Sec. 16.1. Redeploy Illinois Program.

3 (a) The purpose of this Section is to encourage the
4 deinstitutionalization of juvenile offenders by establishing
5 projects in counties or groups of counties that reallocate
6 State funds from juvenile correctional confinement to local
7 jurisdictions, which will establish a continuum of local,
8 community-based sanctions and treatment alternatives for
9 juvenile offenders who would be incarcerated if those local
10 services and sanctions did not exist. It is also intended to
11 offer alternatives, when appropriate, to avoid commitment to
12 the Department of Juvenile Justice, to direct child welfare
13 services for minors charged with a criminal offense or
14 adjudicated delinquent under Section 5 of the Children and
15 Family Services Act. The allotment of funds will be based on a
16 formula that rewards local jurisdictions for the establishment
17 or expansion of local alternatives to incarceration, and
18 requires them to pay for utilization of incarceration as a
19 sanction. In addition, there shall be an allocation of
20 resources (amount to be determined annually by the Redeploy
21 Illinois Oversight Board) set aside at the beginning of each
22 fiscal year to be made available for any county or groups of
23 counties which need resources only occasionally for services
24 to avoid commitment to the Department of Juvenile Justice for
25 a limited number of youth. This redeployment of funds shall be

1 made in a manner consistent with the Juvenile Court Act of 1987
2 and the following purposes and policies:

3 (1) The juvenile justice system should protect the
4 community, impose accountability to victims and
5 communities for violations of law, and equip juvenile
6 offenders with competencies to live responsibly and
7 productively.

8 (2) Juveniles should be treated in the least
9 restrictive manner possible while maintaining the safety
10 of the community.

11 (3) A continuum of services and sanctions from least
12 restrictive to most restrictive should be available in
13 every community.

14 (4) There should be local responsibility and authority
15 for planning, organizing, and coordinating service
16 resources in the community. People in the community can
17 best choose a range of services which reflect community
18 values and meet the needs of their own youth.

19 (5) Juveniles who pose a threat to the community or
20 themselves need special care, including secure settings.
21 Such services as detention, long-term incarceration, or
22 residential treatment are too costly to provide in each
23 community and should be coordinated and provided on a
24 regional or Statewide basis.

25 (6) The roles of State and local government in
26 creating and maintaining services to youth in the juvenile

1 justice system should be clearly defined. The role of the
2 State is to fund services, set standards of care, train
3 service providers, and monitor the integration and
4 coordination of services. The role of local government
5 should be to oversee the provision of services.

6 (b) Each county or circuit participating in the Redeploy
7 Illinois program must create a local plan demonstrating how it
8 will reduce the county or circuit's utilization of secure
9 confinement of juvenile offenders in the Illinois Department
10 of Juvenile Justice or county detention centers by the
11 creation or expansion of individualized services or programs
12 that may include but are not limited to the following:

13 (1) Assessment and evaluation services to provide the
14 juvenile justice system with accurate individualized case
15 information on each juvenile offender, including mental
16 health, substance abuse, educational, and family
17 information;

18 (2) Direct services to individual juvenile offenders, including
19 educational, vocational, mental health,
20 substance abuse, supervision, and service coordination;
21 and

22 (3) Programs that seek to restore the offender to the
23 community, such as victim offender panels, teen courts,
24 competency building, enhanced accountability measures,
25 restitution, and community service. The local plan must be
26 directed in such a manner as to emphasize an

1 individualized approach to providing services to juvenile
2 offenders in an integrated community based system
3 including probation as the broker of services. The plan
4 must also detail the reduction in utilization of secure
5 confinement. The local plan shall be limited to services
6 and shall not include costs for:

7 (i) capital expenditures;

8 (ii) renovations or remodeling;

9 (iii) personnel costs for probation.

10 The local plan shall be submitted to the Department of
11 Human Services.

12 (c) A county or group of counties may develop an agreement
13 with the Department of Human Services to reduce their number
14 of commitments of juvenile offenders, excluding minors
15 sentenced based upon a finding of guilt of first degree murder
16 or an offense which is a Class X forcible felony as defined in
17 the Criminal Code of 2012, to the Department of Juvenile
18 Justice, and then use the savings to develop local programming
19 for youth who would otherwise have been committed to the
20 Department of Juvenile Justice. A county or group of counties
21 shall agree to limit their commitments to 75% of the level of
22 commitments from the average number of juvenile commitments
23 for the past 3 years, and will receive the savings to redeploy
24 for local programming for juveniles who would otherwise be
25 held in confinement. For any county or group of counties with a
26 decrease of juvenile commitments of at least 25%, based on the

1 average reductions of the prior 3 years, which are chosen to
2 participate or continue as sites, the Redeploy Illinois
3 Oversight Board has the authority to reduce the required
4 percentage of future commitments to achieve the purpose of
5 this Section. The agreement shall set forth the following:

6 (1) a statement ~~Statement~~ of the number and type of
7 juvenile offenders from the county who were held in secure
8 confinement by the Illinois Department of Juvenile Justice
9 or in county detention the previous year, and an
10 explanation of which, and how many, of these offenders
11 might be served through the proposed Redeploy Illinois
12 Program for which the funds shall be used;

13 (2) a statement ~~Statement~~ of the service needs of
14 currently confined juveniles;

15 (3) a statement ~~Statement~~ of the type of services and
16 programs to provide for the individual needs of the
17 juvenile offenders, and the research or evidence base that
18 qualifies those services and programs as proven or
19 promising practices;

20 (4) a budget indicating the costs of each service or
21 program to be funded under the plan;

22 (5) a summary of contracts and service agreements
23 indicating the treatment goals and number of juvenile
24 offenders to be served by each service provider; and

25 (6) a statement ~~Statement~~ indicating that the Redeploy
26 Illinois Program will not duplicate existing services and

1 programs. Funds for this plan shall not supplant existing
2 county funded programs.

3 In a county with a population exceeding 2,000,000, the
4 Redeploy Illinois Oversight Board may authorize the Department
5 of Human Services to enter into an agreement with that county
6 to reduce the number of commitments by the same percentage as
7 is required by this Section of other counties, and with all of
8 the same requirements of this Act, including reporting and
9 evaluation, except that the agreement may encompass a clearly
10 identifiable geographical subdivision of that county. The
11 geographical subdivision may include, but is not limited to, a
12 police district or group of police districts, a geographical
13 area making up a court calendar or group of court calendars, a
14 municipal district or group of municipal districts, or a
15 municipality or group of municipalities.

16 (d) (Blank).

17 (d-5) A county or group of counties that does not have an
18 approved Redeploy Illinois program, as described in subsection
19 (b), and that has committed fewer than 10 Redeploy eligible
20 youth to the Department of Juvenile Justice on average over
21 the previous 3 years, may develop an individualized agreement
22 with the Department of Human Services through the Redeploy
23 Illinois program to provide services to youth to avoid
24 commitment to the Department of Juvenile Justice. The
25 agreement shall set forth the following:

26 (1) a statement of the number and type of juvenile

1 offenders from the county who were at risk under any of the
2 categories listed above during the 3 previous years, and
3 an explanation of which of these offenders would be served
4 through the proposed Redeploy Illinois program for which
5 the funds shall be used, or through individualized
6 contracts with existing Redeploy programs in neighboring
7 counties;

8 (2) a statement of the service needs;

9 (3) a statement of the type of services and programs
10 to provide for the individual needs of the juvenile
11 offenders, and the research or evidence that qualifies
12 those services and programs as proven or promising
13 practices;

14 (4) a budget indicating the costs of each service or
15 program to be funded under the plan;

16 (5) a summary of contracts and service agreements
17 indicating the treatment goals and number of juvenile
18 offenders to be served by each service provider; and

19 (6) a statement indicating that the Redeploy Illinois
20 program will not duplicate existing services and programs.
21 Funds for this plan shall not supplant existing county
22 funded programs.

23 (e) The Department of Human Services shall be responsible
24 for the following:

25 (1) Reviewing each Redeploy Illinois Program plan for
26 compliance with standards established for such plans. A

1 plan may be approved as submitted, approved with
2 modifications, or rejected. No plan shall be considered
3 for approval if the circuit or county is not in full
4 compliance with all regulations, standards, and guidelines
5 pertaining to the delivery of basic probation services as
6 established by the Supreme Court.

7 (2) Monitoring on a continual basis and evaluating
8 annually both the program and its fiscal activities in all
9 counties receiving an allocation under the Redeploy
10 Illinois Program. Any program or service that has not met
11 the goals and objectives of its contract or service
12 agreement shall be subject to denial for funding in
13 subsequent years. The Department of Human Services shall
14 evaluate the effectiveness of the Redeploy Illinois
15 Program in each circuit or county. In determining the
16 future funding for the Redeploy Illinois Program under
17 this Act, the evaluation shall include, as a primary
18 indicator of success, a decreased number of confinement
19 days for the county's juvenile offenders.

20 (f) Any Redeploy Illinois Program allocations not applied
21 for and approved by the Department of Human Services shall be
22 available for redistribution to approved plans for the
23 remainder of that fiscal year. Any county that invests local
24 moneys in the Redeploy Illinois Program shall be given first
25 consideration for any redistribution of allocations.
26 Jurisdictions participating in Redeploy Illinois that exceed

1 their agreed upon level of commitments to the Department of
2 Juvenile Justice shall reimburse the Department of Corrections
3 for each commitment above the agreed upon level.

4 (g) Implementation of Redeploy Illinois.

5 (1) Oversight of Redeploy Illinois.

6 (i) Redeploy Illinois Oversight Board. The
7 Department of Human Services shall convene an
8 oversight board to oversee the Redeploy Illinois
9 Program. The Board shall include, but not be limited
10 to, designees from the Department of Juvenile Justice,
11 the Administrative Office of the Illinois Courts, the
12 Illinois Juvenile Justice Commission, the Illinois
13 Criminal Justice Information Authority, the Department
14 of Children and Family Services, the State Board of
15 Education, the Cook County State's Attorney, and a
16 State's Attorney selected by the President of the
17 Illinois State's Attorney's Association, the Cook
18 County Public Defender, a representative of the
19 defense bar appointed by the Chief Justice of the
20 Illinois Supreme Court, a representative of probation
21 appointed by the Chief Justice of the Illinois Supreme
22 Court, and judicial representation appointed by the
23 Chief Justice of the Illinois Supreme Court. Up to an
24 additional 9 members may be appointed by the Secretary
25 of Human Services from recommendations by the
26 Oversight Board; these appointees shall possess a

1 knowledge of juvenile justice issues and reflect the
2 collaborative public/private relationship of Redeploy
3 programs.

4 (ii) Responsibilities of the Redeploy Illinois
5 Oversight Board. The Oversight Board shall:

6 (A) Identify jurisdictions to be included in
7 the program of Redeploy Illinois.

8 (B) Develop a formula for reimbursement of
9 local jurisdictions for local and community-based
10 services utilized in lieu of commitment to the
11 Department of Juvenile Justice, as well as for any
12 charges for local jurisdictions for commitments
13 above the agreed upon limit in the approved plan.

14 (C) Identify resources sufficient to support
15 the administration and evaluation of Redeploy
16 Illinois.

17 (D) Develop a process and identify resources
18 to support on-going monitoring and evaluation of
19 Redeploy Illinois.

20 (E) Develop a process and identify resources
21 to support training on Redeploy Illinois.

22 (E-5) Review proposed individualized
23 agreements and approve where appropriate the
24 distribution of resources.

25 (F) Report to the Governor and the General
26 Assembly on an annual basis on the progress of

1 Redeploy Illinois.

2 (iii) Length of Planning Phase. The planning phase
3 may last up to, but may in no event last longer than,
4 July 1, 2004.

5 (2) (Blank).

6 (3) There shall be created the Redeploy County Review
7 Committee composed of the designees of the Secretary of
8 Human Services and the Directors of Juvenile Justice, of
9 Children and Family Services, and of the Governor's Office
10 of Management and Budget who shall constitute a
11 subcommittee of the Redeploy Illinois Oversight Board.

12 (h) Responsibilities of the County Review Committee. The
13 County Review Committee shall:

14 (1) Review individualized agreements from counties
15 requesting resources on an occasional basis for services
16 for youth described in subsection (d-5).

17 (2) Report its decisions to the Redeploy Illinois
18 Oversight Board at regularly scheduled meetings.

19 (3) Monitor the effectiveness of the resources in
20 meeting the mandates of the Redeploy Illinois program set
21 forth in this Section so these results might be included
22 in the Report described in clause (g)(1)(ii)(F).

23 (4) During the third quarter, assess the amount of
24 remaining funds available and necessary to complete the
25 fiscal year so that any unused funds may be distributed as
26 defined in subsection (f).

1 (5) Ensure that the number of youth from any applicant
2 county receiving individualized resources will not exceed
3 the previous 3-year ~~three-year~~ average of Redeploy
4 eligible recipients and that counties are in conformity
5 with all other elements of this law.

6 (i) Implementation of this Section is subject to
7 appropriation.

8 (j) Rulemaking authority to implement this amendatory Act
9 of the 95th General Assembly, if any, is conditioned on the
10 rules being adopted in accordance with all provisions of and
11 procedures and rules implementing the Illinois Administrative
12 Procedure Act; any purported rule not so adopted, for whatever
13 reason, is unauthorized.

14 (Source: P.A. 97-1150, eff. 1-25-13; 98-60, eff. 1-1-14;
15 revised 7-22-24.)

16 Section 1095. The Veterans and Servicemembers Court
17 Treatment Act is amended by changing Section 40 as follows:

18 (730 ILCS 167/40)

19 Sec. 40. Education for judges. A judge assigned to preside
20 over a veteran and servicemembers court shall have experience,
21 training, and continuing education in topics including, but
22 not limited to:

23 (1) criminal law;

24 (2) behavioral health;

1 (3) confidentiality ~~confidently~~;
2 (4) ethics;
3 (5) evidence-based practices;
4 (6) substance use disorders;
5 (7) mental illness;
6 (8) co-occurring disorders; and
7 (9) presiding over various types of problem-solving
8 courts.
9 (Source: P.A. 102-1041, eff. 6-2-22; revised 7-22-24.)

10 Section 1100. The Mental Health Court Treatment Act is
11 amended by changing Section 41 as follows:

12 (730 ILCS 168/41)

13 Sec. 41. Education seminars for judges. A judge assigned
14 to preside over a mental health court shall have experience,
15 training, and continuing education in topics including, but
16 not limited to:

- 17 (1) criminal law;
18 (2) behavioral health;
19 (3) confidentiality ~~confidently~~;
20 (4) ethics;
21 (5) evidence-based practices;
22 (6) substance use disorders;
23 (7) mental illness;
24 (8) co-occurring disorders; and

1 (9) presiding over various types of problem-solving
2 courts.

3 (Source: P.A. 102-1041, eff. 6-2-22; revised 7-22-24.)

4 Section 1105. The Higher Education in Prison Act is
5 amended by changing Section 5 as follows:

6 (730 ILCS 225/5)

7 Sec. 5. Higher education in prison programs.

8 (a) In this Section, "higher education" means
9 post-secondary academic education at the undergraduate or
10 graduate level in a community college or university setting.

11 (b) On or before September 1 of the year following the
12 effective date of this Act and each subsequent September 1,
13 the Department of Corrections shall release a report, to be
14 published on the Department of Corrections's Internet website,
15 detailing the following information pertaining to higher
16 education within Department institutions and facilities:

17 (1) the number of unique individuals involved in adult
18 basic education, high school equivalency, and credit and
19 non-credit bearing higher education programs over the
20 course of the fiscal year;

21 (2) the racial, ethnic, age, and gender breakdown of
22 committed persons participating in higher education
23 programs;

24 (3) the length of sentence and length of remaining

1 sentence of persons enrolled in higher education programs;

2 (4) the number of committed persons who are on waiting
3 lists for participation in all educational programs,
4 including adult basic education, high school equivalency,
5 and higher education, and the average length of time spent
6 on each waiting list, including a breakdown by length of
7 remaining sentence;

8 (5) the total amount of earned program sentence credit
9 awarded to committed persons for participating in higher
10 education programs and the percentage of committed persons
11 participating in higher education programs that are
12 awarded earned program sentence credit;

13 (6) the number, category, and ultimate resolution of
14 grievances related to higher education programs;

15 (7) a financial statement that includes annual and
16 monthly expenditures of Department of Corrections
17 institutions and facilities on adult basic education, high
18 school equivalency, and higher education programs; and

19 (8) an explanation of how participation in adult basic
20 education, high school equivalency, and higher education
21 programs is factored into a committed persons' risk
22 assessment score.

23 Personal, identifiable information shall be redacted to
24 protect privacy.

25 The report must be filed with the Governor and General
26 Assembly.

1 (c) The data provided in the report under subsection (b)
2 shall include an aggregate chart at the Department level and
3 individual reports by each correctional institution or
4 facility of the Department of Corrections.

5 (d) To facilitate the collection of information on higher
6 education in prison (HEP) programs, each 4-year public or
7 private institution of higher education with HEP degree or
8 certificate programs shall provide the Board of Higher
9 Education with student-level information as part of its
10 regular agency data-collection processes. Each public
11 community college with HEP degree or certificate programs
12 shall provide the Illinois Community College Board with
13 student-level information as part of its regular agency
14 data-collection processes. Upon request, the student-level
15 information shall include the correctional facility in which
16 the HEP program is being offered. The information provided to
17 the Board of Higher Education and the Illinois Community
18 College Board shall include HEP enrollment and completion data
19 disaggregated by variables, including, but not limited to,
20 race, ethnicity, gender, age, and type of degree or
21 certificate. The Board of Higher Education and the Illinois
22 Community College Board shall annually make HEP program data
23 publicly available on their Internet websites.

24 (Source: P.A. 103-541, eff. 1-1-24; revised 7-22-24.)

25 Section 1110. The Code of Civil Procedure is amended by

renumbering and changing Section 804.5 and by changing Section 15-1603 as follows:

(735 ILCS 5/8-804.5)

Sec. 8-804.5 ~~804.5~~. Parties to a restorative justice practice.

(a) This Section is intended to encourage the use of restorative justice practices by providing a privilege for participation in such practices and ensuring that anything said or done during the practice, or in anticipation of or as a follow-up to the practice, is privileged and may not be used in any future proceeding unless the privilege is waived by the informed consent of the party or parties covered by the privilege. The General Assembly affords this privilege in recognition of restorative justice as a powerful tool in addressing the needs of victims, offenders, and the larger community in the process of repairing the fabric of community peace. The General Assembly encourages residents of this State to employ restorative justice practices, not only in justiciable matters, but in all aspects of life and law.

(b) As used in this Section:

"Circle" means a versatile restorative practice that can be used proactively, to develop relationships and build community, or reactively, to respond to wrongdoing, conflicts, and problems.

"Conference" means a structured meeting between offenders,

1 victims, and both parties' family and friends, in which they
2 deal with the consequences of a crime or wrongdoing and decide
3 how best to repair the harm.

4 "Facilitator" means a person who is trained to facilitate
5 a restorative justice practice.

6 "Party" means a person, including a facilitator, an
7 individual who has caused harm, an individual who has been
8 harmed, a community member, and any other participant, who
9 voluntarily consents to participate with others who have
10 agreed to participate in a restorative justice practice.

11 "Proceeding" means any legal action subject to this Code,
12 including, but not limited to, civil, criminal, juvenile, or
13 administrative hearings.

14 "Restorative justice practice" or "practice" means a
15 gathering, such as a conference or circle, in which parties
16 who have caused harm or who have been harmed and community
17 stakeholders collectively gather to identify and repair harm
18 to the extent possible, address trauma, reduce the likelihood
19 of further harm, and strengthen community ties by focusing on
20 the needs and obligations of all parties involved through a
21 participatory process.

22 (c) Anything said or done during or in preparation for a
23 restorative justice practice or as a follow-up to that
24 practice, or the fact that the practice has been planned or
25 convened, is privileged and cannot be referred to, used, or
26 admitted in any civil, criminal, juvenile, or administrative

1 proceeding unless the privilege is waived, during the
2 proceeding or in writing, by the party or parties protected by
3 the privilege. Privileged information is not subject to
4 discovery or disclosure in any judicial or extrajudicial
5 proceedings.

6 Any waiver of privilege is limited to the participation
7 and communication of the waiving party only, and the
8 participation or communications of any other participant
9 remain privileged unless waived by the other participant.

10 (d) Evidence that is otherwise admissible or subject to
11 discovery does not become inadmissible or protected from
12 discovery solely because it was discussed or used in a
13 restorative justice practice.

14 (e) The legitimacy of a restorative justice practice, if
15 challenged in any civil, juvenile, criminal, or administrative
16 proceeding, shall be determined by a judge. In a hearing
17 conducted pursuant to this subsection, the judge may consider
18 information that would otherwise be privileged to the extent
19 that the information is probative of the issue.

20 (f) The privilege afforded by this Section does not apply
21 if:

22 (1) disclosure is necessary to prevent death, great
23 bodily harm, or the commission of a crime;

24 (2) necessary to comply with another law; or

25 (3) a court, tribunal, or administrative body requires
26 a report on a restorative justice practice, but such

1 report shall be limited to the fact that a practice has
2 taken place, an opinion regarding the success of the
3 practice, and whether further restorative justice
4 practices are expected.

5 (g) This Section applies to all restorative justice
6 practices that are convened on or after July 15, 2021 (the
7 effective date of 102-100) ~~this amendatory Act of the 102nd~~
8 ~~General Assembly.~~

9 (Source: P.A. 102-100, eff. 7-15-21; revised 7-23-24.)

10 (735 ILCS 5/15-1603) (from Ch. 110, par. 15-1603)

11 Sec. 15-1603. Redemption.

12 (a) Owner of Redemption. Except as provided in subsection
13 (b) of Section 15-1402, only an owner of redemption may redeem
14 from the foreclosure, and such owner of redemption may redeem
15 only during the redemption period specified in subsection (b)
16 of this Section 15-1603 and only if the right of redemption has
17 not been validly waived.

18 (b) Redemption Period.

19 (1) In the foreclosure of a mortgage of real estate
20 which is residential real estate at the time the
21 foreclosure is commenced, the redemption period shall end
22 on the later of (i) the date 7 months from the date the
23 mortgagor or, if more than one, all the mortgagors (A)
24 have been served with summons or by publication or (B)
25 have otherwise submitted to the jurisdiction of the court,

1 or (ii) the date 3 months from the date of entry of a
2 judgment of foreclosure.

3 (2) In all other foreclosures, the redemption period
4 shall end on the later of (i) the date 6 months from the
5 date the mortgagor or, if more than one, all the
6 mortgagors (A) have been served with summons or by
7 publication or (B) have otherwise submitted to the
8 jurisdiction of the court, or (ii) the date 3 months from
9 the date of entry of a judgment of foreclosure.

10 (3) Notwithstanding paragraphs (1) and (2), the
11 redemption period shall end at the later of the expiration
12 of any reinstatement period provided for in Section
13 15-1602 or the date 60 days after the date the judgment of
14 foreclosure is entered, if the court finds that (i) the
15 value of the mortgaged real estate as of the date of the
16 judgment is less than 90% of the amount specified pursuant
17 to subsection (d) of this Section 15-1603 and (ii) the
18 mortgagee waives any and all rights to a personal judgment
19 for a deficiency against the mortgagor and against all
20 other persons liable for the indebtedness or other
21 obligations secured by the mortgage.

22 (4) Notwithstanding paragraphs (1) and (2), the
23 redemption period shall end on the date 30 days after the
24 date the judgment of foreclosure is entered if the court
25 finds that the mortgaged real estate has been abandoned.
26 In cases where the redemption period is shortened on

1 account of abandonment, the reinstatement period shall not
2 extend beyond the redemption period as shortened.

3 (c) Extension of Redemption Period.

4 (1) Once expired, the right of redemption provided for
5 in this Section ~~Sections~~ 15-1603 or Section 15-1604 shall
6 not be revived. The period within which the right of
7 redemption provided for in this Section ~~Sections~~ 15-1603
8 or Section 15-1604 may be exercised runs independently of
9 any action by any person to enforce the judgment of
10 foreclosure or effect a sale pursuant thereto. Neither the
11 initiation of any legal proceeding nor the order of any
12 court staying the enforcement of a judgment of foreclosure
13 or the sale pursuant to a judgment or the confirmation of
14 the sale, shall have the effect of tolling the running of
15 the redemption period.

16 (2) If a court has the authority to stay, and does
17 stay, the running of the redemption period, or if the
18 redemption period is extended by any statute of the United
19 States, the redemption period shall be extended until the
20 expiration of the same number of days after the expiration
21 of the stay order as the number of days remaining in the
22 redemption period at the time the stay order became
23 effective, or, if later, until the expiration of 30 days
24 after the stay order terminates. If the stay order
25 terminates more than 30 days prior to the expiration of
26 the redemption period, the redemption period shall not be

1 extended.

2 (d) Amount Required to Redeem. The amount required to
3 redeem shall be the sum of:

4 (1) The amount specified in the judgment of
5 foreclosure, which shall consist of (i) all principal and
6 accrued interest secured by the mortgage and due as of the
7 date of the judgment, (ii) all costs allowed by law, (iii)
8 costs and expenses approved by the court, (iv) to the
9 extent provided for in the mortgage and approved by the
10 court, additional costs, expenses, and reasonable
11 attorney's ~~attorneys'~~ fees incurred by the mortgagee, (v)
12 all amounts paid pursuant to Section 15-1505, and (vi) per
13 diem interest from the date of judgment to the date of
14 redemption calculated at the mortgage rate of interest
15 applicable as if no default had occurred; and

16 (2) The amount of other expenses authorized by the
17 court which the mortgagee reasonably incurs between the
18 date of judgment and the date of redemption, which shall
19 be the amount certified by the mortgagee in accordance
20 with subsection (e) of this Section 15-1603.

21 (e) Notice of Intent to Redeem. An owner of redemption who
22 intends to redeem shall give written notice of such intent to
23 redeem to the mortgagee's attorney of record specifying the
24 date designated for redemption and the current address of the
25 owner of redemption for purposes of receiving notice. Such
26 owner of redemption shall file with the clerk of the court a

1 certification of the giving of such notice. The notice of
2 intent to redeem must be received by the mortgagee's attorney
3 at least 15 days (other than Saturday, Sunday, or court
4 holiday) prior to the date designated for redemption. The
5 mortgagee shall thereupon file with the clerk of the court and
6 shall give written notice to the owner of redemption at least
7 three days (other than Saturday, Sunday, or court holiday)
8 before the date designated for redemption a certification,
9 accompanied by copies of paid receipts or appropriate
10 affidavits, of any expenses authorized in paragraph (2) of
11 subsection (d) of this Section 15-1603. If the mortgagee fails
12 to serve such certification within the time specified herein,
13 then the owner of redemption intending to redeem may redeem on
14 the date designated for redemption in the notice of intent to
15 redeem, and the mortgagee shall not be entitled to payment of
16 any expenses authorized in paragraph (2) of subsection (d) of
17 this Section 15-1603.

18 (f) Procedure for Redemption.

19 (1) An owner of redemption may redeem the real estate
20 from the foreclosure by paying the amount specified in
21 subsection (d) of this Section 15-1603 to the mortgagee or
22 the mortgagee's attorney of record on or before the date
23 designated for redemption pursuant to subsection (e) of
24 this Section 15-1603.

25 (2) If the mortgagee refuses to accept payment or if
26 the owner of redemption redeeming from the foreclosure

1 objects to the reasonableness of the additional expenses
2 authorized in paragraph (2) of subsection (d) of this
3 Section 15-1603 and certified in accordance with
4 subsection (e) of this Section 15-1603, the owner of
5 redemption shall pay the certified amount to the clerk of
6 the court on or before the date designated for redemption,
7 together with a written statement specifying the expenses
8 to which objection is made. In such case the clerk shall
9 pay to the mortgagee the amount tendered minus the amount
10 to which the objection pertains.

11 (3) Upon payment to the clerk, whether or not the
12 owner of redemption files an objection at the time of
13 payment, the clerk shall give a receipt of payment to the
14 person redeeming from the foreclosure, and shall file a
15 copy of that receipt in the foreclosure record. Upon
16 receipt of the amounts specified to be paid to the
17 mortgagee pursuant to this Section, the mortgagee shall
18 promptly furnish the mortgagor with a release of the
19 mortgage or satisfaction of the judgment, as appropriate,
20 and the evidence of all indebtedness secured by the
21 mortgage shall be cancelled.

22 (g) Procedure Upon Objection. If an objection is filed by
23 an owner of redemption in accordance with paragraph (2) of
24 subsection (f) of this Section 15-1603, the clerk shall hold
25 the amount to which the objection pertains until the court
26 orders distribution of those funds. The court shall hold a

1 hearing promptly to determine the distribution of any funds
2 held by the clerk pursuant to such objection. Each party shall
3 pay its own costs and expenses in connection with any
4 objection, including attorney's ~~attorneys'~~ fees, ~~subject to~~
5 ~~Section 2-611 of the Code of Civil Procedure.~~

6 (h) Failure to Redeem. Unless the real estate being
7 foreclosed is redeemed from the foreclosure, it shall be sold
8 as provided in this Article.

9 (Source: P.A. 86-974; revised 10-16-24.)

10 Section 1115. The Eminent Domain Act is amended by setting
11 forth, renumbering, and changing multiple versions of Section
12 25-5-130 as follows:

13 (735 ILCS 30/25-5-130)

14 (Section scheduled to be repealed on July 19, 2027)

15 Sec. 25-5-130. Quick-take; City of Elmhurst; North York
16 Road.

17 (a) Quick-take proceedings under Article 20 may be used
18 for a period of 2 years after July 19, 2024 (the effective date
19 of Public Act 103-698) ~~this amendatory Act of the 103rd~~
20 ~~General Assembly~~ by the City of Elmhurst for the acquisition
21 of the following described property for the purpose of road
22 construction:

23 Route: North York Road

24 Section: 17-00188-00-SW

1 Job No.: C-91-186-20

2 County: DuPage

3 Parcel: 0002

4 Owner: NXE Properties, LLC

5 Pin No.: 03-35-406-048

6 That part of Lot 1 in County Clerk's Assessment Division of
7 Lots 1 and 2 of North Elmhurst Third Addition to the Village of
8 Elmhurst, being a subdivision in the East Half of the
9 Southeast Quarter of Section 35, Township 40 North, Range 11
10 East of the Third Principal Meridian, according to the plat
11 thereof recorded April 8, 1927 as document R233179, described
12 as follows:

13 Commencing at the northwest corner of said Lot 1; thence South
14 61 degrees 59 minutes 07 seconds East, (bearings based on
15 Illinois State Plane Coordinates System, NAD83, East Zone),
16 being the northerly line of said Lot 1, a distance of 194.85
17 feet to the Point of Beginning;

18 Thence continuing South 61 degrees 59 minutes 07 seconds East,
19 along said northerly line, 53.14 feet to a point 10.00 feet
20 west of the northeast corner of said Lot 1; thence South 04
21 degrees 00 minutes 07 seconds East, along a line that
22 commences at the southeast corner of said Lot 1 and ends at a
23 point 10.00 feet west of the northeast corner of said Lot 1,
24 said line herein after referred to as Line "A", a distance of
25 40.63 feet; thence South 85 degrees 59 minutes 53 seconds
26 West, perpendicular to the last course, 5.00 feet to a point on

1 a line 5.00 feet west of and parallel with Line "A"; thence
2 North 04 degrees 00 minutes 07 seconds West, along said
3 parallel line, 33.40 feet; thence northwesterly 9.30 feet,
4 along the arc of a non-tangent circle to the left, having a
5 radius of 39.00 feet and whose chord bears North 52 degrees 45
6 minutes 22 seconds West, 9.28 feet to a point of tangency;
7 thence North 59 degrees 35 minutes 15 seconds West, 7.04 feet
8 to a point on a line 7.00 feet southerly of the northerly line
9 of said Lot 1; thence North 61 degrees 59 minutes 07 seconds
10 West, along said parallel line, 36.54 feet; thence North 28
11 degrees 00 minutes 53 seconds East, perpendicular to the last
12 course, 7.00 feet to the Point of Beginning, situated in the
13 County of DuPage and the State of Illinois.

14 Said Parcel Containing 565 square feet or 0.013 acres, more or
15 less.

16 Dated: February 6, 2024

17 Route: North York Road

18 Section: 17-00188-00-SW

19 Job No: C-91-186-20

20 County: DuPage

21 Parcel: 0002TE

22 Owner: NXE Properties, LLC

23 Pin No.: 03-35-406-048

24 That part of Lot 1 in County Clerk's Assessment Division of
25 Lots 1 and 2 of North Elmhurst Third Addition to the Village of

1 Elmhurst, being a subdivision in the East Half of the
2 Southeast Quarter of Section 35, Township 40 North, Range 11
3 East of the Third Principal Meridian, according to the plat
4 thereof recorded April 8, 1927 as document R233179, described
5 as follows:

6 Commencing at the northwest corner of said Lot 1; thence South
7 61 degrees 59 minutes 07 seconds East, (bearings based on
8 Illinois State Plane Coordinates System, NAD83, East Zone),
9 being the northerly line of said Lot 1, a distance of 194.85
10 feet; thence South 28 degrees 00 minutes 53 seconds West,
11 perpendicular to the last course, 7.00 feet to a point on a
12 line 7.00 feet southerly of the northerly line of said Lot 1,
13 said point also being the Point of Beginning;

14 Thence South 61 degrees 59 minutes 07 seconds East, along said
15 parallel line, 36.54 feet; thence South 59 degrees 35 minutes
16 15 seconds East, 7.04 feet to a point of curvature; thence
17 southeasterly 9.30 feet, along the arc of a tangent circle to
18 the left, having a radius of 39.00 feet and whose chord bears
19 South 52 degrees 45 minutes 22 seconds East, 9.28 feet to a
20 point on a line 5.00 feet west of and parallel with Line "A";
21 Line "A" is defined as a line that commences at the southeast
22 corner of said Lot 1 and ends at a point 10.00 feet west of the
23 northeast corner of said Lot 1; thence South 04 degrees 00
24 minutes 07 seconds East, along said parallel line, 16.42 feet;
25 thence South 85 degrees 59 minutes 53 seconds West,
26 perpendicular to the last course, 5.00 feet to a point on a

1 line 10.00 feet west of and parallel with Line "A"; thence
2 North 04 degrees 00 minutes 07 seconds West, along said
3 parallel line, 14.43 feet; thence northwesterly 6.25 feet,
4 along the arc of a non-tangent circle to the left, having a
5 radius of 34.00 feet and whose chord bears North 54 degrees 19
6 minutes 23 seconds West, 6.24 feet to a point of tangency;
7 thence North 59 degrees 35 minutes 15 seconds West, 6.94 feet
8 to a point on a line 12.00 feet southerly of the northerly line
9 of said Lot 1; thence North 61 degrees 59 minutes 07 seconds
10 West, along said parallel line, 36.43 feet; thence North 28
11 degrees 00 minutes 53 seconds East, perpendicular to the last
12 course, 5.00 feet to the Point of Beginning, situated in the
13 County of DuPage and the State of Illinois.

14 Said Parcel Containing 333 square feet or 0.008 acres, more or
15 less.

16 Dated: February 6, 2024

17 (b) This Section is repealed July 19, 2027 (3 years after
18 the effective date of Public Act 103-698) ~~this amendatory Act~~
19 ~~of the 103rd General Assembly.~~

20 (Source: P.A. 103-698, eff. 7-19-24; revised 10-3-24.)

21 (735 ILCS 30/25-5-135)

22 (Section scheduled to be repealed on August 9, 2027)

23 Sec. 25-5-135 ~~25-5-130~~. Quick-take; City of Marengo;
24 Interstate 90-Illinois Route 23 Corridor.

25 (a) Quick-take proceedings under Article 20 may be used

1 for a period of 2 years after August 9, 2024 (the effective
2 date of Public Act 103-892) ~~this amendatory Act of the 103rd~~
3 ~~General Assembly~~ by the City of Marengo for the acquisition of
4 the following described property for the purpose of extending
5 water and sanitary sewer services for the Interstate
6 90-Illinois Route 23 Corridor:

7 11-34-200-020, 22116 W Grant Highway

8 PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 34,
9 TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
10 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
11 FOLLOWS:

12 COMMENCING AT THE SOUTHEAST CORNER OF A PARCEL OF LAND
13 DESCRIBED IN A DEED RECORDED MARCH 5, 1999 AS DOCUMENT NUMBER
14 1999R0017561 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
15 NORTH 0 DEGREES 20 MINUTES 55 SECONDS EAST (BEARINGS BASED ON
16 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
17 THE EAST LINE OF SAID DEED, A DISTANCE OF 33.05 FEET TO THE
18 POINT OF BEGINNING, SAID POINT BEING A POINT ON THE NORTHERLY
19 LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS USED AND
20 MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24 SECONDS WEST
21 ALONG SAID NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT
22 HIGHWAY) AS USED AND MONUMENTED, A DISTANCE OF 134.97 FEET TO
23 THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF RIVER
24 RANCH ROAD AS USED AND MONUMENTED; THENCE NORTH 0 DEGREES 20
25 MINUTES 20 SECONDS EAST ALONG SAID EASTERLY LINE, A DISTANCE
26 OF 30.05 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24 SECONDS

1 EAST, A DISTANCE OF 134.98 FEET TO A POINT ON THE EAST LINE OF
2 SAID DEED; THENCE SOUTH 0 DEGREES 20 MINUTES 55 SECONDS WEST
3 ALONG SAID EAST LINE, A DISTANCE OF 30.05 FEET TO THE POINT OF
4 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 4,049
5 SQUARE FEET OR 0.093 ACRES, MORE OR LESS. BEING PART OF PARCEL
6 11-34-200-020.

7 11-34-426-003, 6105 Meyer Road

8 PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 44
9 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
10 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

11 COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER;
12 THENCE NORTH 89 DEGREES 36 MINUTES 03 SECONDS WEST (BEARINGS
13 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
14 DATUM) ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A
15 DISTANCE OF 317.23 FEET TO THE POINT OF BEGINNING; THENCE
16 CONTINUING NORTH 89 DEGREES 36 MINUTES 03 SECONDS WEST ALONG
17 SAID SOUTH LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0
18 DEGREES 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 2,353.46
19 FEET; THENCE SOUTH 86 DEGREES 30 MINUTES 00 SECONDS EAST, A
20 DISTANCE OF 30.05 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 55
21 SECONDS WEST, A DISTANCE OF 2,351.83 FEET TO THE POINT OF
22 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 70,579
23 SQUARE FEET OR 1.620 ACRES, MORE OR LESS. BEING PART OF PARCEL
24 11-34-426-003.

1 11-34-426-004, Meyer Road

2 PART OF THE SOUTHEAST QUARTER AND NORTHEAST QUARTER OF SECTION
3 34, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL
4 MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY
5 DESCRIBED AS FOLLOWS:

6 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER;
7 THENCE NORTH 89 DEGREES 38 MINUTES 54 SECONDS WEST (BEARINGS
8 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
9 DATUM) ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A
10 DISTANCE OF 321.91 FEET TO THE POINT OF BEGINNING; THENCE
11 SOUTH 0 DEGREES 11 MINUTES 55 SECONDS WEST, A DISTANCE OF
12 280.45 FEET; THENCE NORTH 86 DEGREES 30 MINUTES 00 SECONDS
13 WEST, A DISTANCE OF 30.05 FEET; THENCE NORTH 0 DEGREES 11
14 MINUTES 55 SECONDS EAST, A DISTANCE OF 500.03 FEET; THENCE
15 SOUTH 86 DEGREES 30 MINUTES 01 SECONDS EAST, A DISTANCE OF
16 30.05 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 55 SECONDS WEST,
17 A DISTANCE OF 219.58 FEET TO THE POINT OF BEGINNING, IN MCHENRY
18 COUNTY, ILLINOIS, CONTAINING 15,001 SQUARE FEET OR 0.344
19 ACRES, MORE OR LESS. BEING PART OF PARCEL 11-34-426-004.

20 11-34-426-005, 22219 Route 20

21 PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 34,
22 TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
23 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
24 FOLLOWS:

25 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND

1 DESCRIBED IN A DEED RECORDED MARCH 5, 1999 AS DOCUMENT NUMBER
2 1999R0017561 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
3 SOUTH 0 DEGREES 20 MINUTES 20 SECONDS WEST (BEARINGS BASED ON
4 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
5 THE WEST LINE OF SAID DEED EXTENDED SOUTHERLY, A DISTANCE OF
6 33.05 FEET TO A POINT ON THE SOUTHERLY LINE OF U.S. ROUTE 20
7 (WEST GRANT HIGHWAY) AS USED AND MONUMENTED; THENCE SOUTH 86
8 DEGREES 29 MINUTES 24 SECONDS EAST ALONG SAID SOUTHERLY LINE
9 OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS USED AND MONUMENTED, A
10 DISTANCE OF 101.98 FEET TO THE POINT BEGINNING; THENCE
11 CONTINUING SOUTH 86 DEGREES 29 MINUTES 24 SECONDS EAST ALONG
12 SAID SOUTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
13 USED AND MONUMENTED, A DISTANCE OF 30.05 FEET; THENCE SOUTH 0
14 DEGREES 11 MINUTES 55 SECONDS WEST, A DISTANCE OF 266.66 FEET;
15 THENCE NORTH 86 DEGREE 30 MINUTES 01 SECONDS WEST, A DISTANCE
16 OF 30.05 FEET; THENCE NORTH 0 DEGREES 11 MINUTES 55 SECONDS
17 EAST, A DISTANCE OF 266.67 FEET TO THE POINT OF BEGINNING, IN
18 MCHENRY COUNTY, ILLINOIS, CONTAINING 8,000 SQUARE FEET OR
19 0.184 ACRES, MORE OR LESS. BEING PART OF PARCEL 11-34-426-005.

20 11-35-100-031, 21804 W Grant Highway

21 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
22 SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD
23 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
24 PARTICULARLY DESCRIBED AS FOLLOWS:

25 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND

1 DESCRIBED IN A DEED RECORDED MAY 18, 2018 AS DOCUMENT NUMBER
2 2018R0018036 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
3 NORTH 0 DEGREES 20 MINUTES 12 SECONDS WEST (BEARINGS BASED ON
4 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
5 THE WEST LINE OF SAID DEED, A DISTANCE OF 33.07 FEET TO THE
6 POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 20
7 MINUTES 12 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF
8 30.07 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24 SECONDS
9 EAST, A DISTANCE OF 220.12 FEET TO A POINT ON THE EAST LINE OF
10 SAID DEED; THENCE SOUTH 0 DEGREES 20 MINUTES 23 SECONDS EAST
11 ALONG SAID EAST LINE, A DISTANCE OF 30.07 FEET TO A POINT ON
12 THE NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
13 USED AND MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24
14 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 220.12
15 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
16 CONTAINING 6,604 SQUARE FEET OR 0.152 ACRES, MORE OR LESS.
17 BEING PART OF PARCEL 11-35-100-031.

18 11-35-100-032, 21714 W Grant Highway

19 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
20 SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD
21 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
22 PARTICULARLY DESCRIBED AS FOLLOWS:

23 BEGINNING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
24 DESCRIBED IN A DEED RECORDED DECEMBER 23, 1993 AS DOCUMENT
25 NUMBER 1993R0080441 IN THE RECORDERS OFFICE OF MCHENRY COUNTY;

1 THENCE SOUTH 0 DEGREES 14 MINUTES 43 SECONDS EAST (BEARINGS
2 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
3 DATUM) ALONG THE EAST LINE OF SAID DEED, A DISTANCE OF 20.00
4 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 06 SECONDS WEST, A
5 DISTANCE OF 200.18 FEET TO A POINT ON THE WEST LINE OF SAID
6 DEED; THENCE NORTH 0 DEGREES 20 MINUTES 23 SECONDS WEST ALONG
7 SAID WEST LINE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST
8 CORNER OF SAID DEED; THENCE NORTH 89 DEGREES 12 MINUTES 06
9 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEED, A DISTANCE
10 OF 200.22 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY,
11 ILLINOIS, CONTAINING 4,004 SQUARE FEET OR 0.092 ACRES, MORE OR
12 LESS. BEING PART OF PARCEL 11-35-100-032.

13 and

14 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
15 SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD
16 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
17 PARTICULARLY DESCRIBED AS FOLLOWS:

18 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND
19 DESCRIBED IN A DEED RECORDED DECEMBER 23, 1993 AS DOCUMENT
20 NUMBER 1993R0080441 IN THE RECORDERS OFFICE OF MCHENRY COUNTY;
21 THENCE NORTH 0 DEGREES 20 MINUTES 23 SECONDS WEST (BEARINGS
22 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
23 DATUM) ALONG THE WEST LINE OF SAID DEED, A DISTANCE OF 33.07
24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0
25 DEGREES 20 MINUTES 23 SECONDS WEST ALONG SAID WEST LINE, A
26 DISTANCE OF 30.07 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24

1 SECONDS EAST, A DISTANCE OF 200.02 FEET TO A POINT ON THE EAST
2 LINE OF SAID DEED; THENCE SOUTH 0 DEGREES 14 MINUTES 43 SECONDS
3 EAST ALONG SAID EAST LINE, A DISTANCE OF 30.07 FEET TO A POINT
4 ON THE NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
5 USED AND MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24
6 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 199.97
7 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
8 CONTAINING 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS,
9 BEING PART OF PARCEL 11-35-100-032.

10 11-35-100-070, 21970 Grant Highway

11 PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 35,
12 TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
13 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
14 FOLLOWS:

15 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND
16 DESCRIBED IN A DEED RECORDED JUNE 25, 2021 AS DOCUMENT NUMBER
17 2021R0034676 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
18 NORTH 0 DEGREES 03 MINUTES 53 SECONDS EAST (BEARINGS BASED ON
19 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
20 THE WEST LINE OF SAID DEED, A DISTANCE OF 33.06 FEET TO THE
21 POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 03
22 MINUTES 53 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF
23 30.05 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24 SECONDS
24 EAST, A DISTANCE OF 222.32 FEET TO A POINT ON THE EAST LINE OF
25 SAID DEED; THENCE SOUTH 0 DEGREES 01 MINUTES 39 SECONDS EAST

1 ALONG SAID EAST LINE, A DISTANCE OF 30.06 FEET TO A POINT ON
2 THE NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
3 USED AND MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24
4 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 222.37
5 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
6 CONTAINING 6,671 SQUARE FEET OR 0.153 ACRES, MORE OR LESS.
7 BEING PART OF PARCEL 11-35-100-070.

8 16-03-201-001, 6113 Meyer Road

9 PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
10 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
11 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;
13 THENCE NORTH 89 DEGREES 36 MINUTES 03 SECONDS WEST (BEARINGS
14 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
15 DATUM) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A
16 DISTANCE OF 302.62 FEET TO THE POINT OF BEGINNING; THENCE
17 SOUTH 0 DEGREES 11 MINUTES 55 SECONDS WEST, A DISTANCE OF
18 1,384.77 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 13 SECONDS
19 WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 0 DEGREES 11
20 MINUTES 55 SECONDS EAST, A DISTANCE OF 1,199.96 FEET; THENCE
21 NORTH 25 DEGREES 02 MINUTES 55 SECONDS EAST, A DISTANCE OF
22 44.80 FEET; THENCE NORTH 0 DEGREES 05 MINUTES 16 SECONDS EAST,
23 A DISTANCE OF 10.49 FEET; THENCE NORTH 25 DEGREES 44 MINUTES 54
24 SECONDS WEST, A DISTANCE OF 42.98 FEET; THENCE NORTH 0 DEGREES
25 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 95.54 FEET TO A POINT

1 ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89
2 DEGREES 36 MINUTES 03 SECONDS EAST ALONG SAID NORTH LINE, A
3 DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY
4 COUNTY, ILLINOIS, CONTAINING 40,607 SQUARE FEET OR 0.932
5 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-03-201-001.

6 16-03-251-002, Meyer Road

7 PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
8 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
9 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10 COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER;
11 THENCE SOUTH 89 DEGREES 22 MINUTES 17 SECONDS WEST (BEARINGS
12 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
13 DATUM) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A
14 DISTANCE OF 315.94 FEET TO THE POINT OF BEGINNING; THENCE
15 CONTINUING SOUTH 89 DEGREES 22 MINUTES 17 SECONDS WEST ALONG
16 SAID SOUTH LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0
17 DEGREES 06 MINUTES 42 SECONDS EAST, A DISTANCE OF 1,322.74
18 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 13 SECONDS EAST, A
19 DISTANCE OF 30.00 FEET; THENCE SOUTH 0 DEGREES 06 MINUTES 42
20 SECONDS WEST, A DISTANCE OF 1,322.72 FEET TO THE POINT OF
21 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 39,681
22 SQUARE FEET OR 0.911 ACRES, MORE OR LESS. BEING PART OF PARCEL
23 16-03-251-002.

24 16-03-400-004, 6715 Meyer Road

1 PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
2 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
3 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
5 DESCRIBED IN A DEED RECORDED JULY 31, 2001 AS DOCUMENT NUMBER
6 2001R0054424 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
7 SOUTH 89 DEGREES 24 MINUTES 57 SECONDS WEST (BEARINGS BASED ON
8 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
9 THE NORTH LINE OF SAID DEED, A DISTANCE OF 55.20 FEET TO THE
10 POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 08 MINUTES 57
11 SECONDS WEST, A DISTANCE OF 900.35 FEET TO A POINT ON THE SOUTH
12 LINE OF SAID DEED; THENCE SOUTH 89 DEGREES 26 MINUTES 15
13 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET;
14 THENCE NORTH 0 DEGREES 08 MINUTES 57 SECONDS EAST, A DISTANCE
15 OF 900.34 FEET TO A POINT ON THE NORTH LINE OF SAID DEED;
16 THENCE NORTH 89 DEGREES 24 MINUTES 57 SECONDS EAST ALONG SAID
17 NORTH LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING,
18 IN MCHENRY COUNTY, ILLINOIS, CONTAINING 27,010 SQUARE FEET OR
19 0.620 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-03-400-004.

20 16-03-400-007, Meyer Road

21 PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
22 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
23 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

24 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
25 DESCRIBED IN A DEED RECORDED JULY 31, 2001 AS DOCUMENT NUMBER

1 2001R0054424 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
2 SOUTH 89 DEGREES 24 MINUTES 57 SECONDS WEST (BEARINGS BASED ON
3 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
4 THE NORTH LINE OF SAID DEED, A DISTANCE OF 55.20 FEET TO THE
5 POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 24
6 MINUTES 57 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF
7 30.00 FEET; THENCE NORTH 0 DEGREES 08 MINUTES 57 SECONDS EAST,
8 A DISTANCE OF 97.52 FEET; THENCE NORTH 58 DEGREES 47 MINUTES 16
9 SECONDS WEST, A DISTANCE OF 305.97 FEET; THENCE NORTH 0
10 DEGREES 06 MINUTES 42 SECONDS EAST, A DISTANCE OF 16.55 FEET TO
11 A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE
12 NORTH 89 DEGREES 22 MINUTES 17 SECONDS EAST ALONG SAID NORTH
13 LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 58 DEGREES 47
14 MINUTES 16 SECONDS EAST, A DISTANCE OF 305.99 FEET; THENCE
15 SOUTH 0 DEGREES 08 MINUTES 57 SECONDS WEST, A DISTANCE OF
16 114.08 FEET TO THE POINT OF BEGINNING.

17 ALSO:

18 PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
19 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
20 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

21 COMMENCING AT THE SOUTHEAST CORNER OF A PARCEL OF LAND
22 DESCRIBED IN A DEED RECORDED JULY 31, 2001 AS DOCUMENT NUMBER
23 2001R0054424 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
24 SOUTH 89 DEGREES 26 MINUTES 15 SECONDS WEST (BEARINGS BASED ON
25 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
26 THE SOUTH LINE OF SAID DEED, A DISTANCE OF 59.77 FEET TO THE

1 POINT OF BEGINNING, SAID POINT BEING A POINT ON THE WESTERLY
2 RIGHT-OF-WAY LINE OF MEYER ROAD AS USED AND MONUMENTED; THENCE
3 SOUTH 0 DEGREES 15 MINUTES 11 SECONDS WEST ALONG SAID WESTERLY
4 LINE, A DISTANCE OF 1035.86 FEET; THENCE SOUTH 0 DEGREES 18
5 MINUTES 22 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE
6 OF 325.21 FEET; THENCE SOUTH 2 DEGREES 21 MINUTES 21 SECONDS
7 WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 168.26 FEET TO A
8 POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE
9 NORTH 89 DEGREES 26 MINUTES 20 SECONDS WEST ALONG SAID SOUTH
10 LINE, A DISTANCE OF 30.64 FEET; THENCE NORTH 12 DEGREES 15
11 MINUTES 57 SECONDS EAST, A DISTANCE OF 3.61 FEET; THENCE NORTH
12 2 DEGREES 21 MINUTES 21 SECONDS EAST, A DISTANCE OF 164.97
13 FEET; THENCE NORTH 0 DEGREES 18 MINUTES 22 SECONDS WEST, A
14 DISTANCE OF 324.51 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 11
15 SECONDS EAST, A DISTANCE OF 1035.73 FEET TO A POINT ON THE
16 SOUTH LINE OF SAID DEED; THENCE NORTH 89 DEGREES 26 MINUTES 15
17 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO
18 THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
19 CONTAINING 58,473 SQUARE FEET OR 1.342 ACRES, MORE OR LESS.
20 BEING PART OF PARCEL 16-03-400-007.

21 16-10-200-002, Meyer Road/Pleasant Grove Road

22 PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 43
23 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
24 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
25 COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;

1 THENCE NORTH 89 DEGREES 26 MINUTES 20 SECONDS WEST (BEARINGS
2 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
3 DATUM) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A
4 DISTANCE OF 73.30 FEET TO THE POINT OF BEGINNING, SAID POINT
5 BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MEYER ROAD
6 AS USED AND MONUMENTED; THENCE SOUTH 12 DEGREES 15 MINUTES 57
7 SECONDS WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 355.46
8 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF
9 PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE NORTH 40
10 DEGREES 45 MINUTES 09 SECONDS WEST ALONG SAID NORTHEASTERLY
11 LINE, A DISTANCE OF 37.56 FEET; THENCE NORTH 12 DEGREES 15
12 MINUTES 57 SECONDS EAST, A DISTANCE OF 326.65 FEET TO A POINT
13 ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89
14 DEGREES 26 MINUTES 20 SECONDS EAST ALONG SAID NORTH LINE, A
15 DISTANCE OF 30.64 FEET TO THE POINT OF BEGINNING, IN MCHENRY
16 COUNTY, ILLINOIS, CONTAINING 10,232 SQUARE FEET OR 0.235
17 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-10-200-002.

18 16-11-100-024, Grant Highway

19 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
20 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
21 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22 COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;
23 THENCE SOUTH 0 DEGREES 02 MINUTES 05 SECONDS WEST (BEARINGS
24 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
25 DATUM) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A

1 DISTANCE OF 564.87 FEET; THENCE SOUTH 40 DEGREES 45 MINUTES 09
2 SECONDS EAST, A DISTANCE OF 556.01 FEET; THENCE SOUTH 45
3 DEGREES 43 MINUTES 31 SECONDS WEST, A DISTANCE OF 25.64 FEET TO
4 THE POINT OF BEGINNING, SAID POINT BEING A POINT ON THE
5 SOUTHWESTERLY RIGHT-OF-WAY LINE OF PLEASANT GROVE ROAD AS USED
6 AND MONUMENTED; THENCE SOUTH 41 DEGREES 29 MINUTES 10 SECONDS
7 EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 41.98 FEET;
8 THENCE SOUTH 41 DEGREES 04 MINUTES 55 SECONDS EAST ALONG SAID
9 RIGHT-OF-WAY LINE, A DISTANCE OF 446.59 FEET; THENCE SOUTH 43
10 DEGREES 09 MINUTES 36 SECONDS WEST, A DISTANCE OF 30.15 FEET;
11 THENCE NORTH 41 DEGREES 04 MINUTES 55 SECONDS WEST, A DISTANCE
12 OF 449.51 FEET; THENCE NORTH 41 DEGREES 29 MINUTES 10 SECONDS
13 WEST, A DISTANCE OF 40.41 FEET; THENCE NORTH 45 DEGREES 43
14 MINUTES 31 SECONDS EAST, A DISTANCE OF 30.04 FEET TO THE POINT
15 OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 14,677
16 SQUARE FEET OR 0.337 ACRES, MORE OR LESS. BEING PART OF PARCEL
17 16-11-100-024.

18 16-11-100-026, Grant Highway

19 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
20 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
21 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22 COMMENCING AT THE NORTHERLY CORNER OF A PARCEL OF LAND
23 DESCRIBED IN A DEED RECORDED AS DOCUMENT NUMBER 2018R0043328
24 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE SOUTH 43
25 DEGREES 04 MINUTES 53 SECONDS WEST (BEARINGS BASED ON ILLINOIS

1 STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG THE
2 NORTHWESTERLY LINE OF SAID DEED, A DISTANCE OF 26.98 FEET TO
3 THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 43 DEGREES 04
4 MINUTES 53 SECONDS WEST ALONG SAID NORTHWESTERLY LINE, A
5 DISTANCE OF 30.00 FEET; THENCE NORTH 46 DEGREES 35 MINUTES 57
6 SECONDS WEST, A DISTANCE OF 315.94 FEET; THENCE NORTH 39
7 DEGREES 24 MINUTES 38 SECONDS WEST, A DISTANCE OF 330.00 FEET;
8 THENCE NORTH 41 DEGREES 04 MINUTES 55 SECONDS WEST, A DISTANCE
9 OF 14.95 FEET; THENCE NORTH 43 DEGREES 09 MINUTES 36 SECONDS
10 EAST, A DISTANCE OF 30.15 FEET TO A POINT ON THE SOUTHWESTERLY
11 LINE OF PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE
12 SOUTH 41 DEGREES 04 MINUTES 55 SECONDS EAST ALONG SAID
13 WESTERLY LINE, A DISTANCE OF 18.41 FEET; THENCE SOUTH 39
14 DEGREES 24 MINUTES 38 SECONDS EAST ALONG SAID WESTERLY LINE, A
15 DISTANCE OF 328.55 FEET; THENCE SOUTH 46 DEGREES 35 MINUTES 56
16 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE 313.89 FEET
17 TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
18 CONTAINING 19,826 SQUARE FEET OR 0.455 ACRES, MORE OR LESS.
19 BEING PART OF PARCEL 16-11-100-026.

20 16-11-100-027, Grant Highway

21 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
22 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
23 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
24 COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;
25 THENCE SOUTH 0 DEGREES 02 MINUTES 05 SECONDS WEST (BEARINGS

1 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
2 DATUM) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A
3 DISTANCE OF 614.24 FEET TO THE POINT OF BEGINNING, SAID POINT
4 BEING A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF
5 PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE SOUTH 41
6 DEGREES 29 MINUTES 10 SECONDS EAST ALONG SAID RIGHT-OF-WAY
7 LINE, A DISTANCE OF 520.24 FEET; THENCE SOUTH 45 DEGREES 43
8 MINUTES 31 SECONDS WEST, A DISTANCE OF 30.04 FEET; THENCE
9 NORTH 41 DEGREES 29 MINUTES 10 SECONDS WEST, A DISTANCE OF
10 487.82 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST
11 QUARTER; THENCE NORTH 0 DEGREES 02 MINUTES 05 SECONDS EAST
12 ALONG SAID WEST LINE, A DISTANCE OF 45.26 FEET TO THE POINT OF
13 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 15,121
14 SQUARE FEET OR 0.347 ACRES, MORE OR LESS. BEING PART OF PARCEL
15 16-11-100-027.

16 16-11-100-034, 21813 Pleasant Grove Road

17 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
18 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
19 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

20 COMMENCING AT THE NORTHERLY CORNER OF A PARCEL OF LAND
21 DESCRIBED IN A DEED RECORDED AS DOCUMENT NUMBER 2018R0043328
22 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE SOUTH 43
23 DEGREES 04 MINUTES 53 SECONDS WEST (BEARINGS BASED ON ILLINOIS
24 STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG THE
25 NORTHWESTERLY LINE OF SAID DEED, A DISTANCE OF 26.98 FEET TO

1 THE POINT OF BEGINNING; THENCE SOUTH 46 DEGREES 35 MINUTES 57
2 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF PLEASANT GROVE
3 ROAD AS USED AND MONUMENTED, A DISTANCE OF 174.82 FEET TO A
4 POINT ON THE SOUTHEASTERLY LINE OF SAID DEED; THENCE SOUTH 60
5 DEGREES 37 MINUTES 24 SECONDS WEST ALONG SAID SOUTHEASTERLY
6 LINE, A DISTANCE OF 31.41 FEET; THENCE NORTH 46 DEGREES 35
7 MINUTES 57 SECONDS WEST, A DISTANCE OF 165.36 FEET TO A POINT
8 ON SAID NORTHWESTERLY LINE; THENCE NORTH 43 DEGREES 04 MINUTES
9 53 SECONDS EAST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF
10 30.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY,
11 ILLINOIS, CONTAINING 5,103 SQUARE FEET OR 0.117 ACRES, MORE OR
12 LESS. BEING PART OF PARCEL 16-11-100-034.

13 16-11-300-011, 7515 S IL Route 23

14 PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
15 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
16 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

17 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
18 DESCRIBED IN A DEED RECORDED MARCH 18, 2021 AS DOCUMENT NUMBER
19 2021R0014864 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
20 SOUTH 89 DEGREES 59 MINUTES 16 SECONDS WEST (BEARINGS BASED ON
21 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
22 THE NORTH LINE OF SAID DEED, A DISTANCE OF 30.00 FEET TO THE
23 POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 59
24 MINUTES 16 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF
25 30.00 FEET; THENCE NORTH 0 DEGREES 10 MINUTES 11 SECONDS WEST,

1 A DISTANCE OF 315.35 FEET TO A POINT ON THE SOUTH LINE OF A
2 DEED RECORDED AS DOCUMENT NUMBER 2021R0058501 IN THE RECORDERS
3 OFFICE OF MCHENRY COUNTY; THENCE SOUTH 89 DEGREES 45 MINUTES
4 25 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 30.05
5 FEET; THENCE SOUTH 0 DEGREES 09 MINUTES 41 SECONDS EAST ALONG
6 THE WESTERLY LINE OF ILLINOIS STATE ROUTE 23 AS USED AND
7 MONUMENTED, A DISTANCE OF 315.21 FEET TO THE POINT OF
8 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 9,466
9 SQUARE FEET OR 0.217 ACRES, MORE OR LESS. BEING PART OF PARCEL
10 16-11-300-011.

11 16-11-300-018, 7905 S IL Route 23

12 PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
13 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
14 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

15 BEGINNING AT THE SOUTHEAST CORNER OF A PARCEL OF LAND
16 DESCRIBED IN A DEED RECORDED AS DOCUMENT NUMBER 2021R0058501
17 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE NORTH 89
18 DEGREES 45 MINUTES 25 SECONDS WEST (BEARINGS BASED ON ILLINOIS
19 STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG THE SOUTH
20 LINE OF SAID DEED, A DISTANCE OF 33.05 FEET; THENCE NORTH 2
21 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF 131.76 FEET;
22 THENCE NORTH 0 DEGREES 02 MINUTES 27 SECONDS WEST, A DISTANCE
23 OF 35.98 FEET TO A POINT ON THE NORTH LINE OF SAID DEED; THENCE
24 SOUTH 89 DEGREES 30 MINUTES 22 SECONDS EAST ALONG SAID NORTH
25 LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 0 DEGREES 02

1 MINUTES 27 SECONDS EAST ALONG THE WESTERLY LINE OF ILLINOIS
2 STATE ROUTE 23 PER COURT CASE NO. 92-ED-79, A DISTANCE OF 34.93
3 FEET; THENCE SOUTH 2 DEGREES 57 MINUTES 51 SECONDS EAST ALONG
4 SAID WESTERLY LINE, A DISTANCE OF 132.68 FEET TO THE POINT OF
5 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 5,030
6 SQUARE FEET OR 0.115 ACRES, MORE OR LESS. BEING PART OF PARCEL
7 16-11-300-018.

8 16-11-300-019, Grant Highway

9 PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF
10 SECTION 11, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
11 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
12 PARTICULARLY DESCRIBED AS FOLLOWS:

13 COMMENCING AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND
14 DESCRIBED IN A DEED RECORDED MARCH 27, 2017 AS DOCUMENT NUMBER
15 2017R0010605 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
16 SOUTH 83 DEGREES 22 MINUTES 50 SECONDS WEST (BEARINGS BASED ON
17 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
18 THE SOUTHERLY LINE OF SAID DEED, A DISTANCE OF 35.09 FEET TO
19 THE POINT OF BEGINNING; THENCE SOUTH 45 DEGREES 31 MINUTES 14
20 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF PLEASANT GROVE
21 ROAD AS USED AND MONUMENTED, A DISTANCE OF 146.50 FEET TO A
22 POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID
23 SOUTHWESTERLY LINE, SAID LINE BEING A CURVE CONCAVE TO THE
24 NORTHEAST, HAVING A RADIUS OF 2080.04 FEET AND A LENGTH OF 6.65
25 FEET TO A POINT OF NONTANGENCY, THE CHORD OF SAID ARC HAVING A

1 LENGTH OF 6.65 FEET AND A BEARING OF SOUTH 46 DEGREES 04
2 MINUTES 24 SECONDS EAST; THENCE SOUTH 44 DEGREES 31 MINUTES 12
3 SECONDS WEST, A DISTANCE OF 30.00 FEET; THENCE NORTHWESTERLY
4 ALONG A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
5 2110.04 FEET AND A LENGTH OF 28.11 FEET TO A POINT OF TANGENCY,
6 THE CHORD OF SAID ARC HAVING A LENGTH OF 28.11 FEET AND A
7 BEARING OF NORTH 45 DEGREES 46 MINUTES 25 SECONDS WEST; THENCE
8 NORTH 45 DEGREES 43 MINUTES 57 SECONDS WEST, A DISTANCE OF
9 149.74 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID DEED;
10 THENCE NORTH 83 DEGREES 22 MINUTES 50 SECONDS EAST ALONG SAID
11 SOUTHERLY LINE, A DISTANCE 39.36 FEET TO THE POINT OF
12 BEGINNING.

13 ALSO:

14 COMMENCING AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND
15 DESCRIBED IN A DEED RECORDED MARCH 27, 2017 AS DOCUMENT NUMBER
16 2017R0010605 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
17 SOUTH 83 DEGREES 22 MINUTES 50 SECONDS WEST (BEARINGS BASED ON
18 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
19 THE SOUTHERLY LINE OF SAID DEED, A DISTANCE OF 35.09 FEET;
20 THENCE SOUTH 45 DEGREES 31 MINUTES 14 SECONDS EAST ALONG THE
21 SOUTHWESTERLY LINE OF PLEASANT GROVE ROAD AS USED AND
22 MONUMENTED, A DISTANCE OF 146.50 FEET TO A POINT OF CURVATURE;
23 THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE, SAID LINE
24 BEING A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
25 2080.04 FEET AND A LENGTH OF 34.63 FEET TO A POINT THE POINT OF
26 BEGINNING, THE CHORD OF SAID ARC HAVING A LENGTH OF 34.62 FEET

1 AND A BEARING OF SOUTH 46 DEGREES 27 MINUTES 31 SECONDS EAST;
2 THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE, SAID LINE
3 BEING A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
4 2080.04 FEET AND A LENGTH OF 357.75 FEET TO A POINT OF
5 NONTANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 357.31
6 FEET AND A BEARING OF SOUTH 51 DEGREES 51 MINUTES 46 SECONDS
7 EAST; THENCE SOUTH 0 DEGREES 25 MINUTES 58 SECONDS EAST, A
8 DISTANCE OF 35.92 FEET; THENCE NORTHWESTERLY ALONG A CURVE
9 CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2110.04 FEET AND A
10 LENGTH OF 383.41 FEET TO A POINT OF NONTANGENCY, THE CHORD OF
11 SAID ARC HAVING A LENGTH OF 382.89 FEET AND A BEARING OF NORTH
12 52 DEGREES 07 MINUTES 29 SECONDS WEST; THENCE NORTH 44 DEGREES
13 13 MINUTES 03 SECONDS EAST, A DISTANCE OF 30.01 FEET TO THE
14 POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING
15 16,128 SQUARE FEET OR 0.370 ACRES, MORE OR LESS. BEING PART OF
16 PARCEL 16-11-300-019.

17 16-11-300-020, Grant Highway

18 PART OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHEAST
19 QUARTER OF SECTION 11, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE
20 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
21 PARTICULARLY DESCRIBED AS FOLLOWS:

22 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
23 DESCRIBED IN A DEED RECORDED OCTOBER 13, 1987 AS DOCUMENT
24 NUMBER 87R005793 IN THE RECORDERS OFFICE OF MCHENRY COUNTY;
25 THENCE SOUTH 89 DEGREES 59 MINUTES 15 SECONDS WEST (BEARINGS

1 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
2 DATUM) ALONG THE NORTH LINE OF SAID DEED, A DISTANCE OF 37.10
3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89
4 DEGREES 59 MINUTES 15 SECONDS WEST ALONG SAID NORTH LINE, A
5 DISTANCE OF 30.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 06
6 SECONDS EAST, A DISTANCE OF 197.90 FEET; THENCE NORTH 0
7 DEGREES 59 MINUTES 00 SECONDS WEST, A DISTANCE OF 288.75 FEET
8 TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE
9 CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1115.46 FEET AND A
10 LENGTH OF 409.62 FEET TO A POINT OF NONTANGENCY, THE CHORD OF
11 SAID ARC HAVING A LENGTH OF 407.32 FEET AND A BEARING OF NORTH
12 10 DEGREES 32 MINUTES 58 SECONDS EAST; THENCE NORTH 5 DEGREES
13 32 MINUTES 39 SECONDS WEST, A DISTANCE OF 5.66 FEET; THENCE
14 NORTH 60 DEGREES 06 MINUTES 59 SECONDS WEST, A DISTANCE OF
15 57.88 FEET; THENCE NORTH 60 DEGREES 31 MINUTES 31 SECONDS
16 WEST, A DISTANCE OF 93.02 FEET; THENCE NORTH 61 DEGREES 37
17 MINUTES 43 SECONDS WEST, A DISTANCE OF 117.56 FEET; THENCE
18 NORTH 60 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF
19 181.47 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY
20 ALONG A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
21 2110.04 FEET AND A LENGTH OF 101.69 FEET TO A POINT OF
22 NONTANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 101.68
23 FEET AND A BEARING OF NORTH 58 DEGREES 42 MINUTES 39 SECONDS
24 WEST; THENCE NORTH 0 DEGREES 25 MINUTES 58 SECONDS WEST, A
25 DISTANCE OF 35.92 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF
26 PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE

1 SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE, SAID LINE BEING A
2 CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2080.04
3 FEET AND A LENGTH OF 121.43 FEET TO A POINT OF TANGENCY, THE
4 CHORD OF SAID ARC HAVING A LENGTH OF 121.42 FEET AND A BEARING
5 OF SOUTH 58 DEGREES 27 MINUTES 44 SECONDS EAST; THENCE SOUTH 60
6 DEGREES 38 MINUTES 16 SECONDS EAST ALONG SAID SOUTHWESTERLY
7 LINE, A DISTANCE OF 179.36 FEET; THENCE SOUTH 61 DEGREES 37
8 MINUTES 43 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, A
9 DISTANCE OF 117.59 FEET; THENCE SOUTH 60 DEGREES 31 MINUTES 31
10 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF
11 93.42 FEET; THENCE SOUTH 60 DEGREES 06 MINUTES 59 SECONDS EAST
12 ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 73.46 FEET TO A
13 POINT ON THE WESTERLY LINE OF ILLINOIS STATE ROUTE 23 PER THE
14 PLAT OF HIGHWAYS RECORDED APRIL 8TH 1993 AS DOCUMENT NUMBER
15 93R018532 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
16 SOUTH 5 DEGREES 32 MINUTES 39 SECONDS EAST ALONG SAID WESTERLY
17 LINE, A DISTANCE OF 28.23 FEET; THENCE SOUTHWESTERLY ALONG
18 SAID WESTERLY LINE, SAID LINE BEING A CURVE CONCAVE TO THE
19 SOUTHEAST, HAVING A RADIUS OF 1085.46 FEET AND A LENGTH OF
20 405.65 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC
21 HAVING A LENGTH OF 403.30 FEET AND A BEARING OF SOUTH 10
22 DEGREES 44 MINUTES 08 SECONDS WEST; THENCE SOUTH 0 DEGREES 58
23 MINUTES 57 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE
24 OF 289.29 FEET; THENCE SOUTH 0 DEGREES 03 MINUTES 06 SECONDS
25 WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 197.87 FEET TO THE
26 POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING

1 44,404 SQUARE FEET OR 1.019 ACRES, MORE OR LESS. BEING PART OF
2 PARCEL 16-11-300-020.

3 16-14-300-004, 8605 S IL Route 23

4 PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 43
5 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
6 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

7 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
8 THENCE SOUTH 89 DEGREES 31 MINUTES 44 SECONDS WEST (BEARINGS
9 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
10 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
11 DISTANCE OF 39.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH
12 0 DEGREES 02 MINUTES 56 SECONDS EAST ALONG THE WESTERLY LINE OF
13 ILLINOIS STATE ROUTE 23 AS USED AND MONUMENTED, A DISTANCE OF
14 170.00 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 44 SECONDS
15 WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 0 DEGREES 02
16 MINUTES 56 SECONDS WEST, A DISTANCE OF 170.00 FEET TO A POINT
17 ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89
18 DEGREES 31 MINUTES 44 SECONDS EAST ALONG SAID NORTH LINE, A
19 DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY
20 COUNTY, ILLINOIS, CONTAINING 5,100 SQUARE FEET OR 0.117 ACRES,
21 MORE OR LESS. BEING PART OF PARCEL 16-14-300-004.

22 16-23-100-011, 9809 S IL Route 23

23 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
24 SECTION 23, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD

1 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
2 PARTICULARLY DESCRIBED AS FOLLOWS:

3 COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER;
4 THENCE NORTH 89 DEGREES 57 MINUTES 46 SECONDS WEST (BEARINGS
5 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
6 DATUM) ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A
7 DISTANCE OF 27.11 FEET TO THE POINT OF BEGINNING; THENCE
8 CONTINUING NORTH 89 DEGREES 57 MINUTES 46 SECONDS WEST ALONG
9 SAID SOUTH LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0
10 DEGREES 05 MINUTES 58 SECONDS WEST, A DISTANCE OF 50.32 FEET TO
11 A POINT ON THE SOUTHERLY LINE OF ANTHONY ROAD AS USED AND
12 MONUMENTED; THENCE SOUTH 76 DEGREES 45 MINUTES 52 SECONDS EAST
13 ALONG SAID SOUTHERLY LINE, A DISTANCE OF 30.83 FEET TO A POINT
14 ON THE WESTERLY LINE OF ILLINOIS STATE ROUTE 23 AS USED AND
15 MONUMENTED; THENCE SOUTH 0 DEGREES 05 MINUTES 58 SECONDS EAST
16 ALONG SAID WESTERLY LINE, A DISTANCE OF 43.28 FEET TO THE POINT
17 OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 1,404
18 SQUARE FEET OR 0.032 ACRES, MORE OR LESS. BEING PART OF PARCEL
19 16-23-100-011.

20 16-23-300-004, 9809 S IL Route 23

21 PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 43
22 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
23 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

24 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
25 THENCE NORTH 89 DEGREES 57 MINUTES 46 SECONDS WEST (BEARINGS

1 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
2 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
3 DISTANCE OF 27.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH
4 0 DEGREES 05 MINUTES 58 SECONDS EAST ALONG THE WESTERLY LINE OF
5 ILLINOIS STATE ROUTE 23 AS USED AND MONUMENTED, A DISTANCE OF
6 1629.12 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND
7 DESCRIBED IN A DEED RECORDED MARCH 06, 2019 AS DOCUMENT NUMBER
8 2019R0005925 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
9 SOUTH 89 DEGREES 53 MINUTES 53 SECONDS WEST ALONG SAID
10 NORTHERLY LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0
11 DEGREES 05 MINUTES 58 SECONDS WEST, A DISTANCE OF 1629.19 FEET
12 TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE
13 SOUTH 89 DEGREES 57 MINUTES 46 SECONDS EAST ALONG SAID NORTH
14 LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, IN
15 MCHENRY COUNTY, ILLINOIS, CONTAINING 48,875 SQUARE FEET OR
16 1.122 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-23-300-004.

17 16-24-300-003, 20805 Anthony Road

18 PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24,
19 TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
20 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
21 FOLLOWS:

22 COMMENCING AT THE NORTHEAST CORNER OF SAID WEST HALF; THENCE
23 SOUTH 0 DEGREES 05 MINUTES 32 SECONDS WEST (BEARINGS BASED ON
24 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
25 THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 28.82 FEET TO

1 THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 05
2 MINUTES 32 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF
3 10.00 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS
4 WEST, A DISTANCE OF 164.32 FEET; THENCE NORTH 0 DEGREES 08
5 MINUTES 58 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE
6 NORTH 89 DEGREES 31 MINUTES 00 SECONDS EAST ALONG THE
7 SOUTHERLY LINE OF ANTHONY ROAD AS USED AND MONUMENTED, A
8 DISTANCE OF 164.36 FEET TO THE POINT OF BEGINNING, IN MCHENRY
9 COUNTY, ILLINOIS, CONTAINING 1643 SQUARE FEET OR 0.038 ACRES,
10 MORE OR LESS. BEING PART OF PARCEL 16-24-300-003.

11 16-24-300-008, Anthony Road

12 PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF
13 SECTION 24, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
14 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
15 PARTICULARLY DESCRIBED AS FOLLOWS:

16 COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER;
17 THENCE NORTH 89 DEGREES 32 MINUTES 44 SECONDS EAST (BEARINGS
18 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
19 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
20 DISTANCE OF 199.94 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 00
21 SECONDS EAST, A DISTANCE OF 27.97 FEET TO THE POINT OF
22 BEGINNING; THENCE NORTH 89 DEGREES 36 MINUTES 03 SECONDS EAST
23 ALONG THE SOUTHERLY LINE OF ANTHONY ROAD AS USED AND
24 MONUMENTED, A DISTANCE OF 965.54 FEET; THENCE SOUTH 0 DEGREES
25 08 MINUTES 58 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE

1 SOUTH 89 DEGREES 36 MINUTES 03 SECONDS WEST, A DISTANCE OF
2 965.50 FEET; THENCE NORTH 0 DEGREES 23 MINUTES 00 SECONDS
3 WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, IN
4 MCHENRY COUNTY, ILLINOIS, CONTAINING 9655 SQUARE FEET OR 0.222
5 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-24-300-008.

6 16-24-300-013, Anthony Road

7 PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF
8 SECTION 24, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
9 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
10 PARTICULARLY DESCRIBED AS FOLLOWS:

11 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
12 THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST (BEARINGS
13 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
14 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
15 DISTANCE OF 665.01 FEET; THENCE SOUTH 0 DEGREES 01 MINUTES 25
16 SECONDS WEST, A DISTANCE OF 28.29 FEET TO THE POINT OF
17 BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 01 MINUTES 25
18 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89
19 DEGREES 23 MINUTES 57 SECONDS WEST, A DISTANCE OF 157.79 FEET;
20 THENCE SOUTH 89 DEGREES 43 MINUTES 33 SECONDS WEST, A DISTANCE
21 OF 153.50 FEET; THENCE SOUTH 89 DEGREES 26 MINUTES 49 SECONDS
22 WEST, A DISTANCE OF 353.78 FEET; THENCE NORTH 0 DEGREES 05
23 MINUTES 32 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE
24 NORTH 89 DEGREES 26 MINUTES 49 SECONDS EAST ALONG THE
25 SOUTHERLY LINE OF ANTHONY ROAD AS USED AND MONUMENTED, A

1 DISTANCE OF 353.69 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 33
2 SECONDS EAST ALONG THE SOUTHERLY LINE OF ANTHONY ROAD AS USED
3 AND MONUMENTED, A DISTANCE OF 153.49 FEET; THENCE NORTH 89
4 DEGREES 23 MINUTES 57 SECONDS EAST ALONG THE SOUTHERLY LINE OF
5 ANTHONY ROAD AS USED AND MONUMENTED, A DISTANCE OF 157.87 FEET
6 TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
7 CONTAINING 6651 SQUARE FEET OR 0.153 ACRES, MORE OR LESS.
8 BEING PART OF PARCEL 16-24-300-013.

9 16-24-300-019, Anthony Road

10 PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF
11 SECTION 24, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
12 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
13 PARTICULARLY DESCRIBED AS FOLLOWS:

14 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
15 THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST (BEARINGS
16 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
17 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
18 DISTANCE OF 575.06 FEET; THENCE SOUTH 0 DEGREES 02 MINUTES 40
19 SECONDS EAST, A DISTANCE OF 28.06 FEET TO THE POINT OF
20 BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 02 MINUTES 40
21 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89
22 DEGREES 23 MINUTES 57 SECONDS WEST, A DISTANCE OF 90.00 FEET;
23 THENCE NORTH 0 DEGREES 01 MINUTES 25 SECONDS EAST, A DISTANCE
24 OF 10.00 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 57 SECONDS
25 EAST ALONG THE SOUTHERLY LINE OF ANTHONY ROAD AS USED AND

1 MONUMENTED, A DISTANCE OF 89.98 FEET TO THE POINT OF
2 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 900 SQUARE
3 FEET OR 0.021 ACRES, MORE OR LESS. BEING PART OF PARCEL
4 16-24-300-019.

5 (b) This Section is repealed August 9, 2027 (3 years after
6 the effective date of Public Act 103-892) ~~this amendatory Act~~
7 ~~of the 103rd General Assembly.~~

8 (Source: P.A. 103-892, eff. 8-9-24; revised 10-3-24.)

9 Section 1120. The Lawful Health Care Activity Act is
10 amended by changing Sections 28-10 and 28-11 as follows:

11 (735 ILCS 40/28-10)

12 Sec. 28-10. Definitions. As used in this Act:

13 "Lawful health care" means:

14 (1) reproductive health care that is not unlawful
15 under the laws of this State, including on any theory of
16 vicarious, joint, several, or conspiracy liability; or

17 (2) the treatment of gender dysphoria or the
18 affirmation of an individual's gender identity or gender
19 expression, including, but not limited to, all supplies,
20 care, and services of a medical, behavioral health, mental
21 health, surgical, psychiatric, therapeutic, diagnostic,
22 preventative, rehabilitative, or supportive nature that is
23 not unlawful under the laws of this State, including on
24 any theory of vicarious, joint, several, or conspiracy

1 liability.

2 "Lawful health care activity" means seeking, providing,
3 receiving, assisting in seeking, providing, or receiving,
4 providing material support for, or traveling to obtain lawful
5 health care.

6 "Health records related to lawful health care" means
7 records that identify a person who has sought or received
8 lawful health care ~~healthcare~~, including, but not limited to,
9 information regarding an individual's medical history, mental
10 or physical condition, or medical treatment or diagnosis by a
11 health care ~~healthcare~~ professional, and insurance and billing
12 records for medical care.

13 "Location information related to lawful health care" means
14 precise location information that could be reasonably used to
15 identify a person's attempt to acquire or receive lawful
16 health care, including, but not limited to, records of the
17 location of a person's license plate, records of the location
18 of a cell phone or other device that tracks location, or
19 records of observations of a person's location when the
20 location is near a provider of lawful health care.

21 "Reproductive health care" shall have the same meaning as
22 Section 1-10 of the Reproductive Health Act.

23 "State" has the meaning given in Section 1-10 of the
24 Reproductive Health Act.

25 (Source: P.A. 102-1117, eff. 1-13-23; 103-786, eff. 8-7-24;
26 revised 10-21-24.)

1 (735 ILCS 40/28-11)

2 Sec. 28-11. Prohibited State actions.

3 (a) Unless otherwise necessary to comply with Illinois or
4 federal law, the State shall not provide any information or
5 expend or use any time, money, facilities, property,
6 equipment, personnel, or other resources to assist any
7 individual, or out-of-state officer, official, agency, entity,
8 or department seeking to impose civil or criminal liability
9 upon a person or entity for lawful health care ~~healthcare~~
10 activity.

11 (b) Location information related to lawful health care and
12 health records related to lawful health care are confidential
13 and exempt from disclosure under the Freedom of Information
14 Act.

15 (c) This Section does not apply if an individual or
16 out-of-state officer, official, agency, entity, or department
17 is investigating conduct that would be subject to civil or
18 criminal liability under the laws of Illinois.

19 (Source: P.A. 103-786, eff. 8-7-24; revised 10-21-24.)

20 Section 1125. The Illinois Antitrust Act is amended by
21 changing Section 7.2 as follows:

22 (740 ILCS 10/7.2) (from Ch. 38, par. 60-7.2)

23 Sec. 7.2. (1) Whenever it appears to the Attorney General

1 that any person has engaged in, is engaging in, or is about to
2 engage in any act or practice prohibited by this Act, or that
3 any person has assisted or participated in any agreement or
4 combination of the nature described herein, he may, in his
5 discretion, conduct an investigation as he deems necessary in
6 connection with the matter and has the authority prior to the
7 commencement of any civil or criminal action as provided for
8 in the Act to subpoena witnesses, and pursuant to a subpoena
9 (i) compel their attendance for the purpose of examining them
10 under oath, (ii) require the production of any books,
11 documents, records, writings, or tangible things hereafter
12 referred to as "documentary material" which the Attorney
13 General deems relevant or material to his investigation, for
14 inspection, reproducing, or copying under such terms and
15 conditions as hereafter set forth, (iii) require written
16 answers under oath to written interrogatories, or (iv) require
17 compliance with a combination of the foregoing. Any subpoena
18 issued by the Attorney General shall contain the following
19 information:

20 (a) The statute and section thereof, the alleged
21 violation of which is under investigation and the general
22 subject matter of the investigation.

23 (b) The date and place at which time the person is
24 required to appear or produce documentary material in his
25 possession, custody, or control or submit answers to
26 interrogatories in the office of the Attorney General

1 located in Springfield or Chicago. Said date shall not be
2 less than 10 days from date of service of the subpoena.

3 (c) Where documentary material is required to be
4 produced, the same shall be described by class so as to
5 clearly indicate the material demanded.

6 The Attorney General is hereby authorized, and may so
7 elect, to require the production, pursuant to this Section
8 ~~section~~, of documentary material or interrogatory answers
9 prior to the taking of any testimony of the person subpoenaed.
10 Said documentary material shall be made available for
11 inspection and copying during normal business hours at the
12 principal place of business of the person served, or at such
13 other time and place, as may be agreed upon by the person
14 served and the Attorney General. When documentary material is
15 demanded by subpoena, said subpoena shall not:

16 (i) contain any requirement which would be
17 unreasonable or improper if contained in a subpoena duces
18 tecum issued by a court of this State; or

19 (ii) require the disclosure of any documentary
20 material which would be privileged, or which for any other
21 reason would not be required by a subpoena duces tecum
22 issued by a court of this State.

23 (2) The production of documentary material in response to
24 a subpoena served pursuant to this Section shall be made under
25 a sworn certificate, in such form as the subpoena designates,
26 by the person, if a natural person, to whom the demand is

1 directed or, if not a natural person, by a person or persons
2 having knowledge of the facts and circumstances relating to
3 such production, to the effect that all of the documentary
4 material required by the demand and in the possession,
5 custody, or control of the person to whom the demand is
6 directed has been produced and made available to the
7 custodian. Answers to interrogatories shall be accompanied by
8 a statement under oath attesting to the accuracy of the
9 answers.

10 While in the possession of the Attorney General and under
11 such reasonable terms and conditions as the Attorney General
12 shall prescribe: (A) documentary material shall be available
13 for examination by the person who produced such material or by
14 any duly authorized representative of such person, (B)
15 transcript of oral testimony shall be available for
16 examination by the person who produced such testimony, or his
17 or her counsel, and (C) answers to interrogatories shall be
18 available for examination by the person who swore to their
19 accuracy.

20 Except as otherwise provided in this Section, no
21 documentary material, transcripts of oral testimony, or
22 answers to interrogatories, or copies thereof, in the
23 possession of the Attorney General shall be available for
24 examination by any individual other than an authorized
25 employee of the Attorney General or other law enforcement
26 officials, federal, State, or local, without the consent of

1 the person who produced such material, transcripts, or
2 interrogatory answers. Such documentary material, transcripts
3 of oral testimony, or answers to interrogatories, or copies
4 thereof, may be used by the Attorney General in any
5 administrative or judicial action or proceeding.

6 For purposes of this Section, all documentary materials,
7 transcripts of oral testimony, answers to interrogatories
8 obtained by the Attorney General from other law enforcement
9 officials, information voluntarily produced to the Attorney
10 General for purposes of any investigation conducted under
11 subsection (1), or information provided to the Attorney
12 General pursuant to the notice requirement of Section 7.2a
13 shall be treated as if produced pursuant to a subpoena served
14 pursuant to this Section for purposes of maintaining the
15 confidentiality of such information.

16 The changes made by Public Act 103-526 ~~this amendatory Act~~
17 ~~of the 103rd General Assembly~~ are inoperative on and after
18 January 1, 2027.

19 (3) No person shall, with intent to avoid, evade, prevent,
20 or obstruct compliance in whole or in part by any person with
21 any duly served subpoena of the Attorney General under this
22 Act, knowingly remove from any place, conceal, withhold,
23 destroy, mutilate, alter, or by any other means falsify any
24 documentary material that is the subject of such subpoena. A
25 violation of this subsection is a Class A misdemeanor. The
26 Attorney General, with such assistance as he may from time to

1 time require of the State's Attorneys in the several counties,
2 shall investigate suspected violations of this subsection and
3 shall commence and try all prosecutions under this subsection.
4 (Source: P.A. 103-526, eff. 1-1-24; revised 7-24-24.)

5 Section 1130. The Mental Health and Developmental
6 Disabilities Confidentiality Act is amended by changing
7 Section 9.6 as follows:

8 (740 ILCS 110/9.6)

9 Sec. 9.6. Participants of any HIE, as defined under
10 Section 2, shall allow each recipient whose record is
11 accessible through the health information exchange the
12 reasonable opportunity to expressly decline the further
13 disclosure of the record by the health information exchange to
14 third parties, except to the extent permitted by law such as
15 for purposes of public health reporting. The HIE participants
16 shall permit a recipient to revoke a prior decision to opt out
17 ~~opt out~~ or a decision not to opt out ~~opt out~~. These rules,
18 standards, or contractual obligations shall provide for
19 written notice of a recipient's right to opt out ~~opt out~~ which
20 directs the recipient to a health information exchange website
21 containing (i) an explanation of the purposes of the health
22 information exchange; and (ii) audio, visual, and written
23 instructions on how to opt out ~~opt out~~ of participation in
24 whole or in part to the extent possible. The process for

1 effectuating an opt-out shall be reviewed by the HIE
2 participants annually and updated as the technical options
3 develop. The recipient shall be provided meaningful disclosure
4 regarding the health information exchange, and the recipient's
5 decision whether to opt out ~~opt-out~~ should be obtained without
6 undue inducement or any element of force, fraud, deceit,
7 duress, or other form of constraint or coercion. To the extent
8 that HIPAA, as specified in 45 CFR 164.508(b)(4), prohibits a
9 covered entity from conditioning the provision of its services
10 upon an individual's provision of an authorization, an HIE
11 participant shall not condition the provision of its services
12 upon a recipient's decision to opt out ~~opt-out~~ of further
13 disclosure of the record by an HIE to third parties. The HIE
14 participants shall also give annual consideration to enable a
15 recipient to expressly decline the further disclosure by an
16 HIE to third parties of selected portions of the recipient's
17 record while permitting disclosure of the recipient's
18 remaining patient health information. In giving effect to
19 recipient disclosure preferences, the HIE participants may
20 consider the extent to which relevant health information
21 technologies reasonably available to therapists and HIEs in
22 this State reasonably enable the effective segmentation of
23 specific information within a recipient's electronic medical
24 record and reasonably enable the effective exclusion of
25 specific information from disclosure by an HIE to third
26 parties, as well as the availability of sufficient

1 authoritative clinical guidance to enable the practical
2 application of such technologies to effect recipient
3 disclosure preferences. The provisions of this Section 9.6
4 shall not apply to the secure electronic transmission of data
5 which is point-to-point communication directed by the data
6 custodian.

7 (Source: P.A. 103-508, eff. 8-4-23; revised 7-24-24.)

8 Section 1135. The Whistleblower Act is amended by changing
9 Section 15 as follows:

10 (740 ILCS 174/15)

11 Sec. 15. Retaliation for certain disclosures prohibited.

12 (a) An employer may not take retaliatory action against an
13 employee who discloses or threatens to disclose to a public
14 body conducting an investigation, or in a court, an
15 administrative hearing, or any other proceeding initiated by a
16 public body, information related to an activity, policy, or
17 practice of the employer, where the employee has a good faith
18 belief that the activity, policy, or practice (i) violates a
19 State or federal law, rule, or regulation or (ii) poses a
20 substantial and specific danger to employees, public health,
21 or safety.

22 (b) An employer may not take retaliatory action against an
23 employee for disclosing or threatening to disclose information
24 to a government or law enforcement agency information related

1 to an activity, policy, or practice of the employer, where the
2 employee has a good faith belief that the activity, policy, or
3 practice of the employer (i) violates a State or federal law,
4 rule, or regulation or (ii) poses a substantial and specific
5 danger to employees, public health, or safety.

6 (c) An employer may not take retaliatory action against an
7 employee for disclosing or threatening to disclose to any
8 supervisor, principal officer, board member, or supervisor in
9 an organization that has a contractual relationship with the
10 employer who makes the employer aware of the disclosure,
11 information related to an activity, policy, or practice of the
12 employer if the employee has a good faith belief that the
13 activity, policy, or practice (i) violates a State or federal
14 law, rule, or regulation or (ii) poses a substantial and
15 specific danger to employees, public health, or safety.

16 (Source: P.A. 103-867, eff. 1-1-25; revised 10-21-24.)

17 Section 1140. The Adoption Act is amended by changing
18 Sections 1 and 2 as follows:

19 (750 ILCS 50/1)

20 Sec. 1. Definitions. When used in this Act, unless the
21 context otherwise requires:

22 A. ~~(1)~~ "Child" means a person under legal age subject to
23 adoption under this Act.

24 A-5. ~~(2)~~ "Adult", when referring to a person who is the

1 subject of a petition for adoption under Section 3 of this Act,
2 means a person who is 18 years old or older.

3 B. "Related child" means a child subject to adoption where
4 either or both of the adopting parents stands in any of the
5 following relationships to the child by blood, marriage,
6 adoption, or civil union: parent, grand-parent,
7 great-grandparent, brother, sister, step-parent,
8 step-grandparent, step-brother, step-sister, uncle, aunt,
9 great-uncle, great-aunt, first cousin, or second cousin. A
10 person is related to the child as a first cousin or second
11 cousin if they are both related to the same ancestor as either
12 grandchild or great-grandchild. A child whose parent has
13 executed a consent to adoption, a surrender, or a waiver
14 pursuant to Section 10 of this Act or whose parent has signed a
15 denial of paternity pursuant to Section 12 of the Vital
16 Records Act or Section 12a of this Act, or whose parent has had
17 his or her parental rights terminated, is not a related child
18 to that person, unless (1) the consent is determined to be void
19 or is void pursuant to subsection O of Section 10 of this Act;
20 or (2) the parent of the child executed a consent to adoption
21 by a specified person or persons pursuant to subsection A-1 of
22 Section 10 of this Act and a court of competent jurisdiction
23 finds that such consent is void; or (3) the order terminating
24 the parental rights of the parent is vacated by a court of
25 competent jurisdiction.

26 C. "Agency" for the purpose of this Act means a public

1 child welfare agency or a licensed child welfare agency.

2 D. "Unfit person" means any person whom the court shall
3 find to be unfit to have a child, without regard to the
4 likelihood that the child will be placed for adoption. The
5 grounds of unfitness are any one or more of the following,
6 except that a person shall not be considered an unfit person
7 for the sole reason that the person has relinquished a child in
8 accordance with the Abandoned Newborn Infant Protection Act:

9 (a) Abandonment of the child.

10 (a-1) Abandonment of a newborn infant in a hospital.

11 (a-2) Abandonment of a newborn infant in any setting
12 where the evidence suggests that the parent intended to
13 relinquish his or her parental rights.

14 (b) Failure to maintain a reasonable degree of
15 interest, concern, or responsibility as to the child's
16 welfare.

17 (c) Desertion of the child for more than 3 months next
18 preceding the commencement of the Adoption proceeding.

19 (d) Substantial neglect of the child if continuous or
20 repeated.

21 (d-1) Substantial neglect, if continuous or repeated,
22 of any child residing in the household which resulted in
23 the death of that child.

24 (e) Extreme or repeated cruelty to the child.

25 (f) There is a rebuttable presumption, which can be
26 overcome only by clear and convincing evidence, that a

parent is unfit if:

(1) Two or more findings of physical abuse have been entered regarding any children under Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; or

(2) The parent has been convicted or found not guilty by reason of insanity and the conviction or finding resulted from the death of any child by physical abuse; or

(3) There is a finding of physical child abuse resulting from the death of any child under Section 2-21 of the Juvenile Court Act of 1987.

No conviction or finding of delinquency pursuant to Article V of the Juvenile Court Act of 1987 shall be considered a criminal conviction for the purpose of applying any presumption under this paragraph ~~item~~ (f).

(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such

1 proceedings terminating parental rights as shall be had
2 under either this Act, the Juvenile Court Act, or the
3 Juvenile Court Act of 1987.

4 (i) Depravity. Conviction of any one of the following
5 crimes shall create a presumption that a parent is
6 depraved which can be overcome only by clear and
7 convincing evidence: (1) first degree murder in violation
8 of paragraph (1) or (2) of subsection (a) of Section 9-1 of
9 the Criminal Code of 1961 or the Criminal Code of 2012 or
10 conviction of second degree murder in violation of
11 subsection (a) of Section 9-2 of the Criminal Code of 1961
12 or the Criminal Code of 2012 of a parent of the child to be
13 adopted; (2) first degree murder or second degree murder
14 of any child in violation of the Criminal Code of 1961 or
15 the Criminal Code of 2012; (3) attempt or conspiracy to
16 commit first degree murder or second degree murder of any
17 child in violation of the Criminal Code of 1961 or the
18 Criminal Code of 2012; (4) solicitation to commit murder
19 of any child, solicitation to commit murder of any child
20 for hire, or solicitation to commit second degree murder
21 of any child in violation of the Criminal Code of 1961 or
22 the Criminal Code of 2012; (5) predatory criminal sexual
23 assault of a child in violation of Section 11-1.40 or
24 12-14.1 of the Criminal Code of 1961 or the Criminal Code
25 of 2012; (6) heinous battery of any child in violation of
26 the Criminal Code of 1961; (7) aggravated battery of any

1 child in violation of the Criminal Code of 1961 or the
2 Criminal Code of 2012; (8) any violation of Section
3 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
4 the Criminal Code of 2012; (9) any violation of subsection
5 (a) of Section 11-1.50 or Section 12-16 of the Criminal
6 Code of 1961 or the Criminal Code of 2012; (10) any
7 violation of Section 11-9.1 of the Criminal Code of 1961
8 or the Criminal Code of 2012; (11) any violation of
9 Section 11-9.1A of the Criminal Code of 1961 or the
10 Criminal Code of 2012; or (12) an offense in any other
11 state the elements of which are similar and bear a
12 substantial relationship to any of the enumerated offenses
13 in this paragraph ~~subsection~~ (i).

14 There is a rebuttable presumption that a parent is
15 deprived if the parent has been criminally convicted of at
16 least 3 felonies under the laws of this State or any other
17 state, or under federal law, or the criminal laws of any
18 United States territory; and at least one of these
19 convictions took place within 5 years of the filing of the
20 petition or motion seeking termination of parental rights.

21 There is a rebuttable presumption that a parent is
22 deprived if that parent has been criminally convicted of
23 either first or second degree murder of any person as
24 defined in the Criminal Code of 1961 or the Criminal Code
25 of 2012 within 10 years of the filing date of the petition
26 or motion to terminate parental rights.

1 No conviction or finding of delinquency pursuant to
2 Article 5 of the Juvenile Court Act of 1987 shall be
3 considered a criminal conviction for the purpose of
4 applying any presumption under this paragraph ~~item~~ (i).

5 (j) Open and notorious adultery or fornication.

6 (j-1) (Blank).

7 (k) Habitual drunkenness or addiction to drugs, other
8 than those prescribed by a physician, for at least one
9 year immediately prior to the commencement of the
10 unfitness proceeding.

11 (l) Failure to demonstrate a reasonable degree of
12 interest, concern, or responsibility as to the welfare of
13 a new born child during the first 30 days after its birth.

14 (m) Failure by a parent (i) to make reasonable efforts
15 to correct the conditions that were the basis for the
16 removal of the child from the parent during any 9-month
17 period following the adjudication of neglected or abused
18 minor under Section 2-3 of the Juvenile Court Act of 1987
19 or dependent minor under Section 2-4 of that Act, or (ii)
20 to make reasonable progress toward the return of the child
21 to the parent during any 9-month period following the
22 adjudication of neglected or abused minor under Section
23 2-3 of the Juvenile Court Act of 1987 or dependent minor
24 under Section 2-4 of that Act. If a service plan has been
25 established as required under Section 8.2 of the Abused
26 and Neglected Child Reporting Act to correct the

1 conditions that were the basis for the removal of the
2 child from the parent and if those services were
3 available, then, for purposes of this Act, "failure to
4 make reasonable progress toward the return of the child to
5 the parent" includes the parent's failure to substantially
6 fulfill his or her obligations under the service plan and
7 correct the conditions that brought the child into care
8 during any 9-month period following the adjudication under
9 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
10 Notwithstanding any other provision, when a petition or
11 motion seeks to terminate parental rights on the basis of
12 subparagraph ~~item~~ (ii) of this paragraph ~~subsection~~ (m),
13 the petitioner shall file with the court and serve on the
14 parties a pleading that specifies the 9-month period or
15 periods relied on. The pleading shall be filed and served
16 on the parties no later than 3 weeks before the date set by
17 the court for closure of discovery, and the allegations in
18 the pleading shall be treated as incorporated into the
19 petition or motion. Failure of a respondent to file a
20 written denial of the allegations in the pleading shall
21 not be treated as an admission that the allegations are
22 true.

23 (m-1) (Blank).

24 (n) Evidence of intent to forgo his or her parental
25 rights, whether or not the child is a ward of the court,
26 (1) as manifested by his or her failure for a period of 12

1 months: (i) to visit the child, (ii) to communicate with
2 the child or agency, although able to do so and not
3 prevented from doing so by an agency or by court order, or
4 (iii) to maintain contact with or plan for the future of
5 the child, although physically able to do so, or (2) as
6 manifested by the father's failure, where he and the
7 mother of the child were unmarried to each other at the
8 time of the child's birth, (i) to commence legal
9 proceedings to establish his paternity under the Illinois
10 Parentage Act of 1984, the Illinois Parentage Act of 2015,
11 or the law of the jurisdiction of the child's birth within
12 30 days of being informed, pursuant to Section 12a of this
13 Act, that he is the father or the likely father of the
14 child or, after being so informed where the child is not
15 yet born, within 30 days of the child's birth, or (ii) to
16 make a good faith effort to pay a reasonable amount of the
17 expenses related to the birth of the child and to provide a
18 reasonable amount for the financial support of the child,
19 the court to consider in its determination all relevant
20 circumstances, including the financial condition of both
21 parents; provided that the ground for termination provided
22 in this item (ii) of subparagraph (2) of this paragraph
23 (n) subparagraph (n) (2) (ii) shall only be available where
24 the petition is brought by the mother or the husband of the
25 mother.

26 Contact or communication by a parent with his or her

1 child that does not demonstrate affection and concern does
2 not constitute reasonable contact and planning under this
3 paragraph subdivision (n). In the absence of evidence to
4 the contrary, the ability to visit, communicate, maintain
5 contact, pay expenses, and plan for the future shall be
6 presumed. The subjective intent of the parent, whether
7 expressed or otherwise, unsupported by evidence of the
8 foregoing parental acts manifesting that intent, shall not
9 preclude a determination that the parent has intended to
10 forgo his or her parental rights. In making this
11 determination, the court may consider but shall not
12 require a showing of diligent efforts by an authorized
13 agency to encourage the parent to perform the acts
14 specified in this paragraph subdivision (n).

15 It shall be an affirmative defense to any allegation
16 under subparagraph paragraph (2) of this paragraph (n)
17 ~~subsection~~ that the father's failure was due to
18 circumstances beyond his control or to impediments created
19 by the mother or any other person having legal custody.
20 Proof of that fact need only be by a preponderance of the
21 evidence.

22 (o) Repeated or continuous failure by the parents,
23 although physically and financially able, to provide the
24 child with adequate food, clothing, or shelter.

25 (p) Inability to discharge parental responsibilities
26 supported by competent evidence from a psychiatrist,

1 licensed clinical social worker, or clinical psychologist
2 of mental impairment, mental illness, or an intellectual
3 disability as defined in Section 1-116 of the Mental
4 Health and Developmental Disabilities Code, or
5 developmental disability as defined in Section 1-106 of
6 that Code, and there is sufficient justification to
7 believe that the inability to discharge parental
8 responsibilities shall extend beyond a reasonable time
9 period. However, this paragraph ~~subdivision~~ (p) shall not
10 be construed so as to permit a licensed clinical social
11 worker to conduct any medical diagnosis to determine
12 mental illness or mental impairment.

13 (q) (Blank).

14 (r) The child is in the temporary custody or
15 guardianship of the Department of Children and Family
16 Services, the parent is incarcerated as a result of
17 criminal conviction at the time the petition or motion for
18 termination of parental rights is filed, prior to
19 incarceration the parent had little or no contact with the
20 child or provided little or no support for the child, and
21 the parent's incarceration will prevent the parent from
22 discharging his or her parental responsibilities for the
23 child for a period in excess of 2 years after the filing of
24 the petition or motion for termination of parental rights.

25 (s) The child is in the temporary custody or
26 guardianship of the Department of Children and Family

1 Services, the parent is incarcerated at the time the
2 petition or motion for termination of parental rights is
3 filed, the parent has been repeatedly incarcerated as a
4 result of criminal convictions, and the parent's repeated
5 incarceration has prevented the parent from discharging
6 his or her parental responsibilities for the child.

7 (t) (Blank).

8 E. "Parent" means a person who is the legal mother or legal
9 father of the child as defined in subsection X or Y of this
10 Section. For the purpose of this Act, a parent who has executed
11 a consent to adoption, a surrender, or a waiver pursuant to
12 Section 10 of this Act, who has signed a Denial of Paternity
13 pursuant to Section 12 of the Vital Records Act or Section 12a
14 of this Act, or whose parental rights have been terminated by a
15 court, is not a parent of the child who was the subject of the
16 consent, surrender, waiver, or denial unless (1) the consent
17 is void pursuant to subsection O of Section 10 of this Act; or
18 (2) the person executed a consent to adoption by a specified
19 person or persons pursuant to subsection A-1 of Section 10 of
20 this Act and a court of competent jurisdiction finds that the
21 consent is void; or (3) the order terminating the parental
22 rights of the person is vacated by a court of competent
23 jurisdiction.

24 F. A person is available for adoption when the person is:

25 (a) a child who has been surrendered for adoption to
26 an agency and to whose adoption the agency has thereafter

1 consented;

2 (b) a child to whose adoption a person authorized by
3 law, other than his parents, has consented, or to whose
4 adoption no consent is required pursuant to Section 8 of
5 this Act;

6 (c) a child who is in the custody of persons who intend
7 to adopt him through placement made by his parents;

8 (c-1) a child for whom a parent has signed a specific
9 consent pursuant to subsection O of Section 10;

10 (d) an adult who meets the conditions set forth in
11 Section 3 of this Act; or

12 (e) a child who has been relinquished as defined in
13 Section 10 of the Abandoned Newborn Infant Protection Act.

14 A person who would otherwise be available for adoption
15 shall not be deemed unavailable for adoption solely by reason
16 of his or her death.

17 G. The singular includes the plural and the plural
18 includes the singular and the "male" includes the "female", as
19 the context of this Act may require.

20 H. (Blank).

21 I. "Habitual residence" has the meaning ascribed to it in
22 the federal Intercountry Adoption Act of 2000 and regulations
23 promulgated thereunder.

24 J. "Immediate relatives" means the biological parents, the
25 parents of the biological parents, and the siblings of the
26 biological parents.

1 K. "Intercountry adoption" is a process by which a child
2 from a country other than the United States is adopted by
3 persons who are habitual residents of the United States, or
4 the child is a habitual resident of the United States who is
5 adopted by persons who are habitual residents of a country
6 other than the United States.

7 L. (Blank).

8 M. "Interstate Compact on the Placement of Children" is a
9 law enacted by all states and certain territories for the
10 purpose of establishing uniform procedures for handling the
11 interstate placement of children in foster homes, adoptive
12 homes, or other child care facilities.

13 N. (Blank).

14 O. "Preadoption requirements" means any conditions or
15 standards established by the laws or administrative rules of
16 this State that must be met by a prospective adoptive parent
17 prior to the placement of a child in an adoptive home.

18 P. "Abused child" means a child whose parent or immediate
19 family member, or any person responsible for the child's
20 welfare, or any individual residing in the same home as the
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be
23 inflicted upon the child physical injury, by other than
24 accidental means, that causes death, disfigurement,
25 impairment of physical or emotional health, or loss or
26 impairment of any bodily function;

1 (b) creates a substantial risk of physical injury to
2 the child by other than accidental means which would be
3 likely to cause death, disfigurement, impairment of
4 physical or emotional health, or loss or impairment of any
5 bodily function;

6 (c) commits or allows to be committed any sex offense
7 against the child, as sex offenses are defined in the
8 Criminal Code of 2012 and extending those definitions of
9 sex offenses to include children under 18 years of age;

10 (d) commits or allows to be committed an act or acts of
11 torture upon the child; or

12 (e) inflicts excessive corporal punishment.

13 Q. "Neglected child" means any child whose parent or other
14 person responsible for the child's welfare withholds or denies
15 nourishment or medically indicated treatment including food or
16 care denied solely on the basis of the present or anticipated
17 mental or physical impairment as determined by a physician
18 acting alone or in consultation with other physicians or
19 otherwise does not provide the proper or necessary support,
20 education as required by law, or medical or other remedial
21 care recognized under State law as necessary for a child's
22 well-being, or other care necessary for his or her well-being,
23 including adequate food, clothing, and shelter; or who is
24 abandoned by his or her parents or other person responsible
25 for the child's welfare.

26 A child shall not be considered neglected or abused for

1 the sole reason that the child's parent or other person
2 responsible for his or her welfare depends upon spiritual
3 means through prayer alone for the treatment or cure of
4 disease or remedial care as provided under Section 4 of the
5 Abused and Neglected Child Reporting Act. A child shall not be
6 considered neglected or abused for the sole reason that the
7 child's parent or other person responsible for the child's
8 welfare failed to vaccinate, delayed vaccination, or refused
9 vaccination for the child due to a waiver on religious or
10 medical grounds as permitted by law.

11 R. "Putative father" means a man who may be a child's
12 father, but who (1) is not married to the child's mother on or
13 before the date that the child was or is to be born and (2) has
14 not established paternity of the child in a court proceeding
15 before the filing of a petition for the adoption of the child.
16 The term includes a male who is less than 18 years of age.
17 "Putative father" does not mean a man who is the child's father
18 as a result of criminal sexual abuse or assault as defined
19 under Article 11 of the Criminal Code of 2012.

20 S. "Standby adoption" means an adoption in which a parent
21 consents to custody and termination of parental rights to
22 become effective upon the occurrence of a future event, which
23 is either the death of the parent or the request of the parent
24 for the entry of a final judgment of adoption.

25 T. (Blank).

26 T-5. "Biological parent", "birth parent", or "natural

1 parent" of a child are interchangeable terms that mean a
2 person who is biologically or genetically related to that
3 child as a parent.

4 U. "Interstate adoption" means the placement of a minor
5 child with a prospective adoptive parent for the purpose of
6 pursuing an adoption for that child that is subject to the
7 provisions of the Interstate Compact on the Placement of
8 Children.

9 V. (Blank).

10 W. (Blank).

11 X. "Legal father" of a child means a man who is recognized
12 as or presumed to be that child's father:

13 (1) because of his marriage to or civil union with the
14 child's parent at the time of the child's birth or within
15 300 days prior to that child's birth, unless he signed a
16 denial of paternity pursuant to Section 12 of the Vital
17 Records Act or a waiver pursuant to Section 10 of this Act;
18 or

19 (2) because his paternity of the child has been
20 established pursuant to the Illinois Parentage Act, the
21 Illinois Parentage Act of 1984, or the Gestational
22 Surrogacy Act; or

23 (3) because he is listed as the child's father or
24 parent on the child's birth certificate, unless he is
25 otherwise determined by an administrative or judicial
26 proceeding not to be the parent of the child or unless he

1 rescinds his acknowledgment of paternity pursuant to the
2 Illinois Parentage Act of 1984; or

3 (4) because his paternity or adoption of the child has
4 been established by a court of competent jurisdiction.

5 The definition in this subsection X shall not be construed
6 to provide greater or lesser rights as to the number of parents
7 who can be named on a final judgment order of adoption or
8 Illinois birth certificate that otherwise exist under Illinois
9 law.

10 Y. "Legal mother" of a child means a woman who is
11 recognized as or presumed to be that child's mother:

12 (1) because she gave birth to the child except as
13 provided in the Gestational Surrogacy Act; or

14 (2) because her maternity of the child has been
15 established pursuant to the Illinois Parentage Act of 1984
16 or the Gestational Surrogacy Act; or

17 (3) because her maternity or adoption of the child has
18 been established by a court of competent jurisdiction; or

19 (4) because of her marriage to or civil union with the
20 child's other parent at the time of the child's birth or
21 within 300 days prior to the time of birth; or

22 (5) because she is listed as the child's mother or
23 parent on the child's birth certificate unless she is
24 otherwise determined by an administrative or judicial
25 proceeding not to be the parent of the child.

26 The definition in this subsection Y shall not be construed

1 to provide greater or lesser rights as to the number of parents
2 who can be named on a final judgment order of adoption or
3 Illinois birth certificate that otherwise exist under Illinois
4 law.

5 Z. "Department" means the Illinois Department of Children
6 and Family Services.

7 AA. "Placement disruption" means a circumstance where the
8 child is removed from an adoptive placement before the
9 adoption is finalized.

10 BB. "Secondary placement" means a placement, including,
11 but not limited to, the placement of a youth in care as defined
12 in Section 4d of the Children and Family Services Act, that
13 occurs after a placement disruption or an adoption
14 dissolution. "Secondary placement" does not mean secondary
15 placements arising due to the death of the adoptive parent of
16 the child.

17 CC. "Adoption dissolution" means a circumstance where the
18 child is removed from an adoptive placement after the adoption
19 is finalized.

20 DD. "Unregulated placement" means the secondary placement
21 of a child that occurs without the oversight of the courts, the
22 Department, or a licensed child welfare agency.

23 EE. "Post-placement and post-adoption support services"
24 means support services for placed or adopted children and
25 families that include, but are not limited to, mental health
26 treatment, including counseling and other support services for

1 emotional, behavioral, or developmental needs, and treatment
2 for substance abuse.

3 FF. "Youth in care" has the meaning provided in Section 4d
4 of the Children and Family Services Act.

5 The changes made by Public Act 103-941 ~~this amendatory Act~~
6 ~~of the 103rd General Assembly~~ apply to a petition that is filed
7 on or after January 1, 2025.

8 (Source: P.A. 102-139, eff. 1-1-22; 102-558, eff. 8-20-21;
9 103-696, eff. 1-1-25; 103-941, eff. 1-1-25; revised 11-26-24.)

10 (750 ILCS 50/2) (from Ch. 40, par. 1502)

11 Sec. 2. Who may adopt a child.

12 A. Any of the following persons, who is under no legal
13 disability (except the minority specified in sub-paragraph
14 (b)) and who has resided in the State of Illinois continuously
15 for a period of at least 6 months immediately preceding the
16 commencement of an adoption proceeding, or any member of the
17 armed forces of the United States who has been domiciled in the
18 State of Illinois for 90 days, may institute such proceeding:

19 (a) A reputable person of legal age and of either sex,
20 provided that if such person is married or in a civil union
21 and has not been living separate and apart from his or her
22 spouse or civil union partner for 12 months or longer, his
23 or her spouse or civil union partner shall be a party to
24 the adoption proceeding, including a spouse or civil union
25 partner desiring to adopt a child of the other spouse or

1 civil union partner, in all of which cases the adoption
2 shall be by both spouses or civil union partners jointly;

3 (b) A minor, by leave of court upon good cause shown;~~;~~

4 (c) Notwithstanding sub-paragraph (a) of this
5 subsection, a spouse or civil union partner is not
6 required to join in a petition for adoption for the
7 adoption of an adult if a petitioner is a former
8 stepparent of that adult, or to re-adopt a child after an
9 intercountry adoption if the spouse or civil union partner
10 did not previously adopt the child as set forth in
11 subsections (c) and (e) of Section 4.1 of this Act. For
12 purposes of this Section, "former stepparent" means a
13 person who was married to, or in a civil union with, the
14 legal parent of the adult seeking to be adopted, and the
15 marriage or civil union has ended.

16 B. The residence requirement specified in paragraph A of
17 this Section shall not apply to:

18 (a) an adoption of a related child;

19 (a-1) an adoption of a child previously adopted in a
20 foreign country by the petitioner;

21 (b) an adoption of a child placed by an
22 Illinois-licensed child welfare agency performing adoption
23 services;

24 (c) an adoption of an adult by a former stepparent; or

25 (d) an adoption of a child born in this State who has
26 resided continuously in this State since birth, or a child

1 who has continuously resided in this State for at least 6
2 months immediately preceding the commencement of the
3 adoption proceeding, if:

4 (1) an Illinois-licensed child welfare agency
5 performing adoption services has acknowledged a
6 consent or surrender of one or both of the biological
7 or legal parents of the child under this Act and the
8 Child Care Act of 1969; or

9 (2) an authorized person under Section 10 has
10 acknowledged a consent of one or both of the
11 biological or legal parents of the child and an
12 Illinois-licensed child welfare agency performing
13 adoption services has counseled the biological or
14 legal parent or parents of the child as to the birth
15 parent rights and responsibilities under the Child
16 Care Act of 1969 and the rules adopted thereunder.

17 C. Nothing in this Section overrides the requirements
18 contained in Public Act 94-586.

19 (Source: P.A. 102-139, eff. 1-1-22; revised 7-24-24.)

20 Section 1145. The Probate Act of 1975 is amended by
21 changing Section 11a-15 as follows:

22 (755 ILCS 5/11a-15) (from Ch. 110 1/2, par. 11a-15)

23 Sec. 11a-15. Successor guardian.† Upon the death,
24 incapacity, resignation, or removal of a guardian of the

1 estate or person of a living ward, the court shall appoint a
2 successor guardian or terminate the adjudication of
3 disability. The powers and duties of the successor guardian
4 shall be the same as those of the predecessor guardian unless
5 otherwise modified.

6 Notice of the time and place of the hearing on a petition
7 for the appointment of a successor guardian shall be given not
8 less than 3 days before the hearing for a successor to a
9 temporary guardian and not less than 14 days before the
10 hearing for a successor to a limited or plenary guardian. The
11 notice shall be by mail or in person to the alleged person with
12 a disability, to the proposed successor guardian, and to those
13 persons whose names and addresses are listed in the petition
14 for adjudication of disability and appointment of a guardian
15 under Section 11a-8. The court, upon a finding of good cause,
16 may waive the notice requirement under this Section.

17 (Source: P.A. 103-740, eff. 1-1-25; revised 11-26-24.)

18 Section 1150. The Real Property Transfer on Death
19 Instrument Act is amended by changing Section 90 as follows:

20 (755 ILCS 27/90)

21 Sec. 90. Limitations and bona fide transfers.

22 (a) An action to set aside or contest the validity of a
23 transfer on death instrument shall be commenced within the
24 earlier of 2 years after the date of the owner's death or 6

1 months from the date letters of office are issued pursuant to
2 the Probate Act of 1975.

3 (b) A bona fide purchaser or mortgagee for value shall
4 take the real property free and clear of any action, claim,
5 liability, or contest if the transfer to the bona fide
6 purchaser or mortgagee for value occurs prior to the recording
7 of a lis pendens under Section 2-1901 of the Code of Civil
8 Procedure or prior to the filing of ~~the~~ a notice of
9 renunciation pursuant to Section 66 of this Act.

10 (Source: P.A. 102-68, eff. 1-1-22; revised 7-24-24.)

11 Section 1155. The Health Care Surrogate Act is amended by
12 changing Section 10 as follows:

13 (755 ILCS 40/10) (from Ch. 110 1/2, par. 851-10)

14 Sec. 10. Definitions. As used in this Act:

15 "Adult" means a person who is (i) 18 years of age or older
16 or (ii) an emancipated minor under the Emancipation of Minors
17 Act.

18 "Artificial nutrition and hydration" means supplying food
19 and water through a conduit, such as a tube or intravenous
20 line, where the recipient is not required to chew or swallow
21 voluntarily, including, but not limited to, nasogastric tubes,
22 gastrostomies, jejunostomies, and intravenous infusions.
23 "Artificial nutrition and hydration" does not include assisted
24 feeding, such as spoon or bottle feeding.

1 "Available" means that a person is not "unavailable". A
2 person is unavailable if (i) the person's existence is not
3 known, (ii) the person has not been able to be contacted by
4 telephone or mail, or (iii) the person lacks decisional
5 capacity, refuses to accept the office of surrogate, or is
6 unwilling to respond in a manner that indicates a choice among
7 the treatment matters at issue.

8 "Attending physician" means the physician selected by or
9 assigned to the patient who has primary responsibility for
10 treatment and care of the patient and who is a licensed
11 physician in Illinois or a physician licensed in the state
12 where the patient is being treated. If more than one physician
13 shares that responsibility, any of those physicians may act as
14 the attending physician under this Act.

15 "Close friend" means any person 18 years of age or older
16 who has exhibited special care and concern for the patient and
17 who presents an affidavit to the attending physician stating
18 that he or she (i) is a close friend of the patient, (ii) is
19 willing and able to become involved in the patient's health
20 care, and (iii) has maintained such regular contact with the
21 patient as to be familiar with the patient's activities,
22 health, and religious and moral beliefs. The affidavit must
23 also state facts and circumstances that demonstrate that
24 familiarity.

25 "Death" means when, according to accepted medical
26 standards, there is (i) an irreversible cessation of

1 circulatory and respiratory functions or (ii) an irreversible
2 cessation of all functions of the entire brain, including the
3 brain stem.

4 "Decisional capacity" means the ability to understand and
5 appreciate the nature and consequences of a decision regarding
6 medical treatment or forgoing life-sustaining treatment and
7 the ability to reach and communicate an informed decision in
8 the matter as determined by the attending physician.

9 "Forgo life-sustaining treatment" means to withhold,
10 withdraw, or terminate all or any portion of life-sustaining
11 treatment with knowledge that the patient's death is likely to
12 result.

13 "Guardian" means a court appointed guardian of the person
14 who serves as a representative of a minor or as a
15 representative of a person under legal disability.

16 "Health care facility" means a type of health care
17 provider commonly known by a wide variety of titles,
18 including, but not limited to, hospitals, medical centers,
19 nursing homes, rehabilitation centers, long term or tertiary
20 care facilities, and other facilities established to
21 administer health care and provide overnight stays in their
22 ordinary course of business or practice.

23 "Health care provider" means a person that is licensed,
24 certified, or otherwise authorized or permitted by the law of
25 this State or licensed in the state where the patient is being
26 treated to administer health care in the ordinary course of

1 business or practice of a profession, including, but not
2 limited to, physicians, nurses, health care facilities, and
3 any employee, officer, director, agent, or person under
4 contract with such a person.

5 "Imminent" (as in "death is imminent") means a
6 determination made by the attending physician according to
7 accepted medical standards that death will occur in a
8 relatively short period of time, even if life-sustaining
9 treatment is initiated or continued.

10 "Life-sustaining treatment" means any medical treatment,
11 procedure, or intervention that, in the judgment of the
12 attending physician, when applied to a patient with a
13 qualifying condition, would not be effective to remove the
14 qualifying condition or would serve only to prolong the dying
15 process. Those procedures can include, but are not limited to,
16 assisted ventilation, renal dialysis, surgical procedures,
17 blood transfusions, and the administration of drugs,
18 antibiotics, and artificial nutrition and hydration.

19 "Minor" means an individual who is not an adult as defined
20 in this Act.

21 "Parent" means a person who is the natural or adoptive
22 mother or father of the child and whose parental rights have
23 not been terminated by a court of law.

24 "Patient" means an adult or minor individual, unless
25 otherwise specified, under the care or treatment of a licensed
26 physician or other health care provider.

1 "Person" means an individual, a corporation, a business
2 trust, a trust, a partnership, an association, a government, a
3 governmental subdivision or agency, or any other legal entity.

4 "Qualifying condition" means the existence of one or more
5 of the following conditions in a patient certified in writing
6 in the patient's medical record by the attending physician and
7 by at least one other qualified health care practitioner:

8 (1) "Terminal condition" means an illness or injury
9 for which there is no reasonable prospect of cure or
10 recovery, death is imminent, and the application of
11 life-sustaining treatment would only prolong the dying
12 process.

13 (2) "Permanent unconsciousness" means a condition
14 that, to a high degree of medical certainty, (i) will last
15 permanently, without improvement, (ii) in which thought,
16 sensation, purposeful action, social interaction, and
17 awareness of self and environment are absent, and (iii)
18 for which initiating or continuing life-sustaining
19 treatment, in light of the patient's medical condition,
20 provides only minimal medical benefit.

21 (3) "Incurable or irreversible condition" means an
22 illness or injury (i) for which there is no reasonable
23 prospect of cure or recovery, (ii) that ultimately will
24 cause the patient's death even if life-sustaining
25 treatment is initiated or continued, (iii) that imposes
26 severe pain or otherwise imposes an inhumane burden on the

1 patient, and (iv) for which initiating or continuing
2 life-sustaining treatment, in light of the patient's
3 medical condition, provides only minimal medical benefit.

4 The determination that a patient has a qualifying
5 condition creates no presumption regarding the application or
6 non-application of life-sustaining treatment. It is only after
7 a determination by the attending physician that the patient
8 has a qualifying condition that the surrogate decision maker
9 may consider whether or not to forgo life-sustaining
10 treatment. In making this decision, the surrogate shall weigh
11 the burdens on the patient of initiating or continuing
12 life-sustaining treatment against the benefits of that
13 treatment.

14 "Qualified health care practitioner" means an individual
15 who has personally examined the patient and who is licensed in
16 Illinois or in the state where the patient is being treated and
17 who is a physician, advanced practice registered nurse,
18 physician assistant, or resident with at least one year of
19 graduate or specialty training who holds a temporary license
20 to practice medicine and is enrolled in a residency program
21 accredited by the Liaison Committee on Graduate Medical
22 Education or the Bureau of Professional Education of the
23 American Osteopathic Association.

24 "Physician" means a physician licensed to practice
25 medicine in all its branches in this State or in the state
26 where the patient is being treated.

1 "Surrogate decision maker" means an adult individual or
2 individuals who (i) have decisional capacity, (ii) are
3 available upon reasonable inquiry, (iii) are willing to make
4 medical treatment decisions on behalf of a patient who lacks
5 decisional capacity, and (iv) are identified by the attending
6 physician in accordance with the provisions of this Act as the
7 person or persons who are to make those decisions in
8 accordance with the provisions of this Act.

9 (Source: P.A. 102-140, eff. 1-1-22; 102-182, eff. 7-30-21;
10 102-744, eff. 5-6-22; revised 7-24-24.)

11 Section 1160. The Landlord and Tenant Act is amended by
12 setting forth and renumbering multiple versions of Section 25
13 as follows:

14 (765 ILCS 705/25)

15 Sec. 25. Disclosure of potential flooding in rental and
16 lease agreements.

17 (a) As used in this Section:

18 "Flood" and "flooding" mean a general or temporary
19 condition of partial or complete inundation of a dwelling or
20 property caused by:

21 (1) the overflow of inland or tidal waves;

22 (2) the unusual and rapid accumulation of runoff or
23 surface waters from any established water source such as a
24 river, stream, or drainage ditch; or

1 (3) rainfall.

2 "Lower-level unit" means any garden level unit, basement
3 level unit, or first floor level unit.

4 (b) Every landlord shall clearly disclose to each of the
5 landlord's tenants in writing prior to signing the lease for
6 the rental property that a rental property is located in the
7 Federal Emergency Management Agency (FEMA) Special Flood
8 Hazard Area ("100-year floodplain") and if the landlord has
9 actual knowledge that the rental property or any portion of
10 the parking areas of the real property containing the rental
11 property has been subjected to flooding and the frequency of
12 such flooding. Such disclosure shall also be included in the
13 written lease or the written renewal lease and shall be signed
14 by both parties.

15 (c) Every landlord who leases a lower-level unit shall
16 clearly disclose to each of the landlord's lower-level unit
17 tenants in writing prior to the signing of the lease for the
18 lower-level unit if the lower-level unit or any portion of the
19 real property containing the lower-level unit has experienced
20 flooding in the last 10 years and shall disclose the frequency
21 of such flooding. Such disclosure shall also be included in
22 the written lease or the written renewal lease and shall be
23 signed by both parties.

24 (d) The written disclosure shall look substantially
25 similar to the following:

26 "(Landlord) [] is or [] is not aware that the rental

1 property is located in a FEMA Special Flood Hazard Area
2 ("100-year floodplain"). The property has experienced flooding
3 [] times in the last 10 years. Even if the rental property is
4 not in a Special Flood Hazard Area ("100-year floodplain"),
5 the dwelling may still be susceptible to flooding. The Federal
6 Emergency Management Agency (FEMA) maintains a flood map on
7 its Internet website that is searchable by address, at no
8 cost, to determine if a dwelling is located in a flood hazard
9 area.

10 (Landlord) [] is or [] is not aware that the rental
11 property you are renting has flooded at least once in the last
12 10 years. The rental property has flooded [] times in the last
13 10 years. Even if the dwelling has not flooded in the last 10
14 years, the dwelling may still be susceptible to flooding.

15 Most tenant insurance policies do not cover damage or loss
16 incurred in a flood. You are encouraged to examine your policy
17 to determine whether you are covered. If you are not, flood
18 insurance may be available through FEMA's National Flood
19 Insurance Program to cover your personal property in the event
20 of a flood. Information regarding flood risks can be found at
21 the dnr.illinois.gov (Illinois Department of Natural
22 Resources), fema.gov (FEMA), and ready.gov/flood (U.S.
23 National public service).

24 Landlords are required to disclose the above information
25 pursuant to Section 25 of the Landlord and Tenant Act. A
26 landlord's failure to comply with Section 25 of the Landlord

1 and Tenant Act shall entitle the tenant to remedies as defined
2 in that Section.

3

4 (Tenant Signature) (Date)

5

6 (Landlord Signature) (Date) "

7 (e) If a landlord fails to comply with subsection (b), and
8 the tenant subsequently becomes aware that the property is
9 located in the FEMA Special Flood Hazard Area ("100-year
10 floodplain") the tenant may terminate the lease by giving
11 written notice of termination to the landlord no later than
12 the 30th day after a tenant becomes aware of the landlord's
13 failure to comply with subsection (b), and the landlord shall
14 return all rent and fees paid in advance no later than the 15th
15 day after the tenant gave notice.

16 If a landlord fails to comply with subsection (b) or
17 subsection (c) and flooding occurs that results in damage to
18 the tenant's personal property, affects the habitability of
19 the leased property, or affects the tenant's access to the
20 leased property, the tenant may:

21 (1) terminate the lease by giving written notice to
22 the landlord no later than the 30th day after the flood
23 occurred and the landlord shall return all rent and fees
24 paid in advance no later than the 15th day after the tenant
25 gave notice; and

26 (2) bring an action against the landlord of the

1 property to recover damages for personal property lost or
2 damaged as a result of flooding.

3 (e) Exemptions. This Section does not apply to farm
4 leases, concession leases, and rental properties owned or
5 managed by the Department of Natural Resources.

6 (f) This Section may not be interpreted to permit the
7 renting, leasing, or subleasing of lower-level units in a
8 municipality if the municipality does not permit the renting,
9 leasing, or subleasing of such units.

10 (Source: P.A. 103-754, eff. 1-1-25; revised 12-1-24.)

11 (765 ILCS 705/30)

12 Sec. 30 ~~25~~. Reusable tenant screening report.

13 (a) Definitions. In this Section:

14 "Application screening fee" means a request by a landlord
15 for a fee to cover the costs of obtaining information about a
16 prospective tenant.

17 "Consumer report" has the same meaning as defined in
18 Section 1681a of Title 15 of the United States Code.

19 "Consumer credit reporting agency" means a person which,
20 for monetary fees, dues, or on a cooperative nonprofit basis,
21 regularly engages in whole or in part in the practice of
22 assembling or evaluating consumer credit information or other
23 information on consumers for the purpose of furnishing
24 consumer reports to third parties and that uses any means or
25 facility of interstate commerce for the purpose of preparing

1 or furnishing consumer reports.

2 "Reusable tenant screening report" means a written report,
3 prepared by a consumer credit reporting agency, that
4 prominently states the date through which the information
5 contained in the report is current and includes, but is not
6 limited to, all of the following information regarding a
7 prospective tenant:

8 (A) the name of the prospective tenant;

9 (B) the contact information for the prospective
10 tenant;

11 (C) a verification of source of income of the
12 prospective tenant;

13 (D) the last known address of the prospective
14 tenant; and

15 (E) the results of an eviction history check of
16 the prospective tenant in a manner and for a period of
17 time consistent with applicable law related to the
18 consideration of eviction history in housing.

19 (b) Providing a reusable tenant screening report.

20 (1) If a prospective tenant provides a reusable tenant
21 screening report that meets the following criteria, the
22 landlord may not charge the prospective tenant a fee to
23 access the report or an application screening fee. Those
24 criteria include the following:

25 (A) the report was prepared within the previous 30
26 days by a consumer credit reporting agency at the

1 request and expense of a prospective tenant;

2 (B) the report is made directly available to a
3 landlord for use in the rental application process or
4 is provided through a third-party website that
5 regularly engages in the business of providing a
6 reusable tenant screening report and complies with all
7 State and federal laws pertaining to use and
8 disclosure of information contained in a consumer
9 report by a consumer credit reporting agency;

10 (C) the report is available to the landlord at no
11 cost to access or use; and

12 (D) the report includes all of the criteria
13 consistently being used by the landlord in the
14 screening of prospective tenants.

15 (2) A landlord may require an applicant to state that
16 there has not been a material change to the information in
17 the reusable tenant screening report.

18 (c) If an ordinance, resolution, regulation,
19 administrative action, initiative, or other policy adopted by
20 a unit of local government or county conflicts with this Act,
21 the policy that provides greater protections to prospective
22 tenants applies.

23 (d) Nothing in this Section prohibits a landlord from
24 collecting and processing an application in addition to the
25 report provided, as long as the prospective tenant is not
26 charged an application screening fee for this additional

1 report.

2 (Source: P.A. 103-840, eff. 1-1-25; revised 12-3-24.)

3 Section 1165. The Landlord Retaliation Act is amended by
4 changing Section 20 as follows:

5 (765 ILCS 721/20)

6 Sec. 20. Rebuttable presumption. In an action by or
7 against the tenant, if within one year before the alleged act
8 of retaliation there is evidence that the retaliation was
9 against the tenant's conduct that is protected under this Act,
10 that evidence creates a rebuttable presumption that the
11 landlord's conduct was retaliatory. The presumption does not
12 arise if the protected tenant activity was initiated after the
13 alleged act of retaliation.

14 (Source: P.A. 103-831, eff. 1-1-25; revised 10-23-24.)

15 Section 1170. The Mobile Home Landlord and Tenant Rights
16 Act is amended by changing Section 17 as follows:

17 (765 ILCS 745/17) (from Ch. 80, par. 217)

18 Sec. 17. Notice required by Law. The following notice
19 shall be printed verbatim in a clear and conspicuous manner in
20 each lease or rental agreement of a mobile home or lot:

21 "IMPORTANT NOTICE REQUIRED BY LAW:

22 The rules set forth below govern the terms of your lease of

1 occupancy arrangement with this mobile home park. The law
2 requires all of these rules and regulations to be fair and
3 reasonable, and if not, such rules and regulations cannot be
4 enforced against you.

5 As required by law, the park must be licensed to operate a
6 mobile home park either by ~~either~~ the State of Illinois
7 Department of Public Health or applicable home rule
8 jurisdiction. Pursuant to the Mobile Home Park Act, this
9 license shall expire April 30 of each year, and a new license
10 shall be issued upon proper application and payment of the
11 annual license fee.

12 You may continue to reside in the park as long as you pay
13 your rent and abide by the rules and regulations of the park.
14 You may only be evicted for non-payment of rent, violation of
15 laws, or for violation of the rules and regulations of the park
16 and the terms of the lease.

17 If this park requires you to deal exclusively with a
18 certain fuel dealer or other merchant for goods or service in
19 connection with the use or occupancy of your mobile home or on
20 your mobile home lot, the price you pay for such goods or
21 services may not be more than the prevailing price in this
22 locality for similar goods and services.

23 You may not be evicted for reporting any violations of law
24 or health and building codes to boards of health, building
25 commissioners, the Office ~~department~~ of the Attorney General,
26 or any other appropriate government agency.".

(Source: P.A. 103-630, eff. 1-1-25; revised 10-24-24.)

Section 1175. The Right of Publicity Act is amended by changing Section 20 as follows:

(765 ILCS 1075/20)

Sec. 20. Enforcement of rights and remedies.

(a) The rights and remedies set forth in this Act may be exercised and enforced by:

(1) an individual or his or her authorized representative;

(2) a person to whom the recognized rights have been transferred by written transfer under Section 15 of this Act; or

(3) after the death of an individual who has not transferred the recognized rights by written transfer under this Act, any person or persons that possess ~~who possesses~~ an interest in those rights.

(a-5) In addition to the enforcement of rights and remedies in subsection (a), the rights and remedies set forth in this Act may, in the case of an individual who is a recording artist, be enforced by:

(1) the individual who is the recording artist; or

(2) a person who has entered into a contract for the individual's exclusive personal services as a recording artist or who has entered into a contract for an exclusive

1 license to distribute sound recordings that capture the
2 recording artist's audio performances.

3 (b) Each person described in paragraph (3) of subsection
4 (a) shall make a proportional accounting to, and shall act at
5 all times in good faith with respect to, any other person in
6 whom the rights being enforced have vested.

7 (Source: P.A. 103-836, eff. 1-1-25; revised 10-23-24.)

8 Section 1180. The Illinois Human Rights Act is amended by
9 changing Sections 2-101, 2-102, 2-108, and 3-106 as follows:

10 (775 ILCS 5/2-101)

11 (Text of Section before amendment by P.A. 103-804)

12 Sec. 2-101. Definitions. The following definitions are
13 applicable strictly in the context of this Article.

14 (A) Employee.

15 (1) "Employee" includes:

16 (a) Any individual performing services for
17 remuneration within this State for an employer;

18 (b) An apprentice;

19 (c) An applicant for any apprenticeship.

20 For purposes of subsection (D) of Section 2-102 of
21 this Act, "employee" also includes an unpaid intern. An
22 unpaid intern is a person who performs work for an
23 employer under the following circumstances:

24 (i) the employer is not committed to hiring the

1 person performing the work at the conclusion of the
2 intern's tenure;

3 (ii) the employer and the person performing the
4 work agree that the person is not entitled to wages for
5 the work performed; and

6 (iii) the work performed:

7 (I) supplements training given in an
8 educational environment that may enhance the
9 employability of the intern;

10 (II) provides experience for the benefit of
11 the person performing the work;

12 (III) does not displace regular employees;

13 (IV) is performed under the close supervision
14 of existing staff; and

15 (V) provides no immediate advantage to the
16 employer providing the training and may
17 occasionally impede the operations of the
18 employer.

19 (2) "Employee" does not include:

20 (a) (Blank);

21 (b) Individuals employed by persons who are not
22 "employers" as defined by this Act;

23 (c) Elected public officials or the members of
24 their immediate personal staffs;

25 (d) Principal administrative officers of the State
26 or of any political subdivision, municipal corporation

1 or other governmental unit or agency;

2 (e) A person in a vocational rehabilitation
3 facility certified under federal law who has been
4 designated an evaluatee, trainee, or work activity
5 client.

6 (B) Employer.

7 (1) "Employer" includes:

8 (a) Any person employing one or more employees
9 within Illinois during 20 or more calendar weeks
10 within the calendar year of or preceding the alleged
11 violation;

12 (b) Any person employing one or more employees
13 when a complainant alleges civil rights violation due
14 to unlawful discrimination based upon his or her
15 physical or mental disability unrelated to ability,
16 pregnancy, or sexual harassment;

17 (c) The State and any political subdivision,
18 municipal corporation or other governmental unit or
19 agency, without regard to the number of employees;

20 (d) Any party to a public contract without regard
21 to the number of employees;

22 (e) A joint apprenticeship or training committee
23 without regard to the number of employees.

24 (2) "Employer" does not include any place of worship,
25 religious corporation, association, educational
26 institution, society, or nonprofit ~~non-profit~~ nursing

1 institution conducted by and for those who rely upon
2 treatment by prayer through spiritual means in accordance
3 with the tenets of a recognized church or religious
4 denomination with respect to the employment of individuals
5 of a particular religion to perform work connected with
6 the carrying on by such place of worship, corporation,
7 association, educational institution, society, or
8 nonprofit ~~non-profit~~ nursing institution of its
9 activities.

10 (C) Employment Agency. "Employment Agency" includes both
11 public and private employment agencies and any person, labor
12 organization, or labor union having a hiring hall or hiring
13 office regularly undertaking, with or without compensation, to
14 procure opportunities to work, or to procure, recruit, refer, or
15 or place employees.

16 (D) Labor Organization. "Labor Organization" includes any
17 organization, labor union, craft union, or any voluntary
18 unincorporated association designed to further the cause of
19 the rights of union labor which is constituted for the
20 purpose, in whole or in part, of collective bargaining or of
21 dealing with employers concerning grievances, terms or
22 conditions of employment, or apprenticeships or applications
23 for apprenticeships, or of other mutual aid or protection in
24 connection with employment, including apprenticeships or
25 applications for apprenticeships.

26 (E) Sexual Harassment. "Sexual harassment" means any

1 unwelcome sexual advances or requests for sexual favors or any
2 conduct of a sexual nature when (1) submission to such conduct
3 is made either explicitly or implicitly a term or condition of
4 an individual's employment, (2) submission to or rejection of
5 such conduct by an individual is used as the basis for
6 employment decisions affecting such individual, or (3) such
7 conduct has the purpose or effect of substantially interfering
8 with an individual's work performance or creating an
9 intimidating, hostile, or offensive working environment.

10 For purposes of this definition, the phrase "working
11 environment" is not limited to a physical location an employee
12 is assigned to perform his or her duties.

13 (E-1) Harassment. "Harassment" means any unwelcome conduct
14 on the basis of an individual's actual or perceived race,
15 color, religion, national origin, ancestry, age, sex, marital
16 status, order of protection status, disability, military
17 status, sexual orientation, pregnancy, unfavorable discharge
18 from military service, citizenship status, work authorization
19 status, or family responsibilities that has the purpose or
20 effect of substantially interfering with the individual's work
21 performance or creating an intimidating, hostile, or offensive
22 working environment. For purposes of this definition, the
23 phrase "working environment" is not limited to a physical
24 location an employee is assigned to perform his or her duties.

25 (F) Religion. "Religion" with respect to employers
26 includes all aspects of religious observance and practice, as

1 well as belief, unless an employer demonstrates that he is
2 unable to reasonably accommodate an employee's or prospective
3 employee's religious observance or practice without undue
4 hardship on the conduct of the employer's business.

5 (G) Public Employer. "Public employer" means the State, an
6 agency or department thereof, unit of local government, school
7 district, instrumentality or political subdivision.

8 (H) Public Employee. "Public employee" means an employee
9 of the State, agency or department thereof, unit of local
10 government, school district, instrumentality or political
11 subdivision. "Public employee" does not include public
12 officers or employees of the General Assembly or agencies
13 thereof.

14 (I) Public Officer. "Public officer" means a person who is
15 elected to office pursuant to the Constitution or a statute or
16 ordinance, or who is appointed to an office which is
17 established, and the qualifications and duties of which are
18 prescribed, by the Constitution or a statute or ordinance, to
19 discharge a public duty for the State, agency or department
20 thereof, unit of local government, school district,
21 instrumentality or political subdivision.

22 (J) Eligible Bidder. "Eligible bidder" means a person who,
23 prior to contract award or prior to bid opening for State
24 contracts for construction or construction-related services,
25 has filed with the Department a properly completed, sworn and
26 currently valid employer report form, pursuant to the

1 Department's regulations. The provisions of this Article
2 relating to eligible bidders apply only to bids on contracts
3 with the State and its departments, agencies, boards, and
4 commissions, and the provisions do not apply to bids on
5 contracts with units of local government or school districts.

6 (K) Citizenship Status. "Citizenship status" means the
7 status of being:

8 (1) a born U.S. citizen;

9 (2) a naturalized U.S. citizen;

10 (3) a U.S. national; or

11 (4) a person born outside the United States and not a
12 U.S. citizen who is lawfully present and who is protected
13 from discrimination under the provisions of Section 1324b
14 of Title 8 of the United States Code, as now or hereafter
15 amended.

16 (L) Work Authorization Status. "Work authorization status"
17 means the status of being a person born outside of the United
18 States, and not a U.S. citizen, who is authorized by the
19 federal government to work in the United States.

20 (M) Family Responsibilities. "Family responsibilities"
21 means an employee's actual or perceived provision of personal
22 care to a family member. As used in this definition:

23 (1) "Personal care" has the meaning given to that term
24 in the Employee Sick Leave Act.

25 (2) "Family member" has the meaning given to the term
26 "covered family member" in the Employee Sick Leave Act.

1 (Source: P.A. 102-233, eff. 8-2-21; 102-558, eff. 8-20-21;
2 102-1030, eff. 5-27-22; 103-797, eff. 1-1-25; revised
3 10-7-24.)

4 (Text of Section after amendment by P.A. 103-804)

5 Sec. 2-101. Definitions. The following definitions are
6 applicable strictly in the context of this Article.

7 (A) Employee.

8 (1) "Employee" includes:

9 (a) Any individual performing services for
10 remuneration within this State for an employer;

11 (b) An apprentice;

12 (c) An applicant for any apprenticeship.

13 For purposes of subsection (D) of Section 2-102 of
14 this Act, "employee" also includes an unpaid intern. An
15 unpaid intern is a person who performs work for an
16 employer under the following circumstances:

17 (i) the employer is not committed to hiring the
18 person performing the work at the conclusion of the
19 intern's tenure;

20 (ii) the employer and the person performing the
21 work agree that the person is not entitled to wages for
22 the work performed; and

23 (iii) the work performed:

24 (I) supplements training given in an
25 educational environment that may enhance the

1 employability of the intern;

2 (II) provides experience for the benefit of
3 the person performing the work;

4 (III) does not displace regular employees;

5 (IV) is performed under the close supervision
6 of existing staff; and

7 (V) provides no immediate advantage to the
8 employer providing the training and may
9 occasionally impede the operations of the
10 employer.

11 (2) "Employee" does not include:

12 (a) (Blank);

13 (b) Individuals employed by persons who are not
14 "employers" as defined by this Act;

15 (c) Elected public officials or the members of
16 their immediate personal staffs;

17 (d) Principal administrative officers of the State
18 or of any political subdivision, municipal corporation
19 or other governmental unit or agency;

20 (e) A person in a vocational rehabilitation
21 facility certified under federal law who has been
22 designated an evaluatee, trainee, or work activity
23 client.

24 (B) Employer.

25 (1) "Employer" includes:

26 (a) Any person employing one or more employees

1 within Illinois during 20 or more calendar weeks
2 within the calendar year of or preceding the alleged
3 violation;

4 (b) Any person employing one or more employees
5 when a complainant alleges civil rights violation due
6 to unlawful discrimination based upon his or her
7 physical or mental disability unrelated to ability,
8 pregnancy, or sexual harassment;

9 (c) The State and any political subdivision,
10 municipal corporation or other governmental unit or
11 agency, without regard to the number of employees;

12 (d) Any party to a public contract without regard
13 to the number of employees;

14 (e) A joint apprenticeship or training committee
15 without regard to the number of employees.

16 (2) "Employer" does not include any place of worship,
17 religious corporation, association, educational
18 institution, society, or nonprofit ~~non-profit~~ nursing
19 institution conducted by and for those who rely upon
20 treatment by prayer through spiritual means in accordance
21 with the tenets of a recognized church or religious
22 denomination with respect to the employment of individuals
23 of a particular religion to perform work connected with
24 the carrying on by such place of worship, corporation,
25 association, educational institution, society, or
26 nonprofit ~~non-profit~~ nursing institution of its

1 activities.

2 (C) Employment Agency. "Employment Agency" includes both
3 public and private employment agencies and any person, labor
4 organization, or labor union having a hiring hall or hiring
5 office regularly undertaking, with or without compensation, to
6 procure opportunities to work⁷ or to procure, recruit, refer,⁸
7 or place employees.

8 (D) Labor Organization. "Labor Organization" includes any
9 organization, labor union, craft union, or any voluntary
10 unincorporated association designed to further the cause of
11 the rights of union labor which is constituted for the
12 purpose, in whole or in part, of collective bargaining or of
13 dealing with employers concerning grievances, terms or
14 conditions of employment, or apprenticeships or applications
15 for apprenticeships, or of other mutual aid or protection in
16 connection with employment, including apprenticeships or
17 applications for apprenticeships.

18 (E) Sexual Harassment. "Sexual harassment" means any
19 unwelcome sexual advances or requests for sexual favors or any
20 conduct of a sexual nature when (1) submission to such conduct
21 is made either explicitly or implicitly a term or condition of
22 an individual's employment, (2) submission to or rejection of
23 such conduct by an individual is used as the basis for
24 employment decisions affecting such individual, or (3) such
25 conduct has the purpose or effect of substantially interfering
26 with an individual's work performance or creating an

1 intimidating, hostile, or offensive working environment.

2 For purposes of this definition, the phrase "working
3 environment" is not limited to a physical location an employee
4 is assigned to perform his or her duties.

5 (E-1) Harassment. "Harassment" means any unwelcome conduct
6 on the basis of an individual's actual or perceived race,
7 color, religion, national origin, ancestry, age, sex, marital
8 status, order of protection status, disability, military
9 status, sexual orientation, pregnancy, unfavorable discharge
10 from military service, citizenship status, work authorization
11 status, or family responsibilities that has the purpose or
12 effect of substantially interfering with the individual's work
13 performance or creating an intimidating, hostile, or offensive
14 working environment. For purposes of this definition, the
15 phrase "working environment" is not limited to a physical
16 location an employee is assigned to perform his or her duties.

17 (F) Religion. "Religion" with respect to employers
18 includes all aspects of religious observance and practice, as
19 well as belief, unless an employer demonstrates that he is
20 unable to reasonably accommodate an employee's or prospective
21 employee's religious observance or practice without undue
22 hardship on the conduct of the employer's business.

23 (G) Public Employer. "Public employer" means the State, an
24 agency or department thereof, unit of local government, school
25 district, instrumentality or political subdivision.

26 (H) Public Employee. "Public employee" means an employee

1 of the State, agency or department thereof, unit of local
2 government, school district, instrumentality or political
3 subdivision. "Public employee" does not include public
4 officers or employees of the General Assembly or agencies
5 thereof.

6 (I) Public Officer. "Public officer" means a person who is
7 elected to office pursuant to the Constitution or a statute or
8 ordinance, or who is appointed to an office which is
9 established, and the qualifications and duties of which are
10 prescribed, by the Constitution or a statute or ordinance, to
11 discharge a public duty for the State, agency or department
12 thereof, unit of local government, school district,
13 instrumentality or political subdivision.

14 (J) Eligible Bidder. "Eligible bidder" means a person who,
15 prior to contract award or prior to bid opening for State
16 contracts for construction or construction-related services,
17 has filed with the Department a properly completed, sworn and
18 currently valid employer report form, pursuant to the
19 Department's regulations. The provisions of this Article
20 relating to eligible bidders apply only to bids on contracts
21 with the State and its departments, agencies, boards, and
22 commissions, and the provisions do not apply to bids on
23 contracts with units of local government or school districts.

24 (K) Citizenship Status. "Citizenship status" means the
25 status of being:

26 (1) a born U.S. citizen;

1 (2) a naturalized U.S. citizen;

2 (3) a U.S. national; or

3 (4) a person born outside the United States and not a
4 U.S. citizen who is lawfully present and who is protected
5 from discrimination under the provisions of Section 1324b
6 of Title 8 of the United States Code, as now or hereafter
7 amended.

8 (L) Work Authorization Status. "Work authorization status"
9 means the status of being a person born outside of the United
10 States, and not a U.S. citizen, who is authorized by the
11 federal government to work in the United States.

12 (M) Family Responsibilities. "Family responsibilities"
13 means an employee's actual or perceived provision of personal
14 care to a family member. As used in this definition:

15 (1) "Personal care" has the meaning given to that term
16 in the Employee Sick Leave Act.

17 (2) "Family member" has the meaning given to the term
18 "covered family member" in the Employee Sick Leave Act.

19 (N) ~~(M)~~ Artificial Intelligence. "Artificial intelligence"
20 means a machine-based system that, for explicit or implicit
21 objectives, infers, from the input it receives, how to
22 generate outputs such as predictions, content,
23 recommendations, or decisions that can influence physical or
24 virtual environments. "Artificial intelligence" includes
25 generative artificial intelligence.

26 (O) ~~(N)~~ Generative Artificial Intelligence. "Generative

1 artificial intelligence" means an automated computing system
2 that, when prompted with human prompts, descriptions, or
3 queries, can produce outputs that simulate human-produced
4 content, including, but not limited to, the following: (1)
5 textual outputs, such as short answers, essays, poetry, or
6 longer compositions or answers; (2) image outputs, such as
7 fine art, photographs, conceptual art, diagrams, and other
8 images; (3) multimedia outputs, such as audio or video in the
9 form of compositions, songs, or short-form or long-form audio
10 or video; and (4) other content that would be otherwise
11 produced by human means.

12 (Source: P.A. 102-233, eff. 8-2-21; 102-558, eff. 8-20-21;
13 102-1030, eff. 5-27-22; 103-797, eff. 1-1-25; 103-804, eff.
14 1-1-26; revised 11-26-24.)

15 (775 ILCS 5/2-102)

16 (Text of Section before amendment by P.A. 103-804)

17 Sec. 2-102. Civil rights violations; employment violations
18 ~~employment~~. It is a civil rights violation:

19 (A) Employers. For any employer to refuse to hire, to
20 segregate, to engage in harassment as defined in
21 subsection (E-1) of Section 2-101, or to act with respect
22 to recruitment, hiring, promotion, renewal of employment,
23 selection for training or apprenticeship, discharge,
24 discipline, tenure or terms, privileges or conditions of
25 employment on the basis of unlawful discrimination,

1 citizenship status, work authorization status, or family
2 responsibilities. An employer is responsible for
3 harassment by the employer's nonmanagerial and
4 nonsupervisory employees only if the employer becomes
5 aware of the conduct and fails to take reasonable
6 corrective measures.

7 (A-5) Language. For an employer to impose a
8 restriction that has the effect of prohibiting a language
9 from being spoken by an employee in communications that
10 are unrelated to the employee's duties.

11 For the purposes of this subdivision (A-5), "language"
12 means a person's native tongue, such as Polish, Spanish,
13 or Chinese. "Language" does not include such things as
14 slang, jargon, profanity, or vulgarity.

15 (A-10) Harassment of nonemployees. For any employer,
16 employment agency, or labor organization to engage in
17 harassment of nonemployees in the workplace. An employer
18 is responsible for harassment of nonemployees by the
19 employer's nonmanagerial and nonsupervisory employees only
20 if the employer becomes aware of the conduct and fails to
21 take reasonable corrective measures. For the purposes of
22 this subdivision (A-10), "nonemployee" means a person who
23 is not otherwise an employee of the employer and is
24 directly performing services for the employer pursuant to
25 a contract with that employer. "Nonemployee" includes
26 contractors and consultants. This subdivision applies to

1 harassment occurring on or after January 1, 2020 (the
2 effective date of Public Act 101-221) ~~this amendatory Act~~
3 ~~of the 101st General Assembly.~~

4 (B) Employment agency. For any employment agency to
5 fail or refuse to classify properly, accept applications
6 and register for employment referral or apprenticeship
7 referral, refer for employment, or refer for
8 apprenticeship on the basis of unlawful discrimination,
9 citizenship status, work authorization status, or family
10 responsibilities or to accept from any person any job
11 order, requisition or request for referral of applicants
12 for employment or apprenticeship which makes or has the
13 effect of making unlawful discrimination or discrimination
14 on the basis of citizenship status, work authorization
15 status, or family responsibilities a condition of
16 referral.

17 (C) Labor organization. For any labor organization to
18 limit, segregate or classify its membership, or to limit
19 employment opportunities, selection and training for
20 apprenticeship in any trade or craft, or otherwise to
21 take, or fail to take, any action which affects adversely
22 any person's status as an employee or as an applicant for
23 employment or as an apprentice, or as an applicant for
24 apprenticeships, or wages, tenure, hours of employment or
25 apprenticeship conditions on the basis of unlawful
26 discrimination, citizenship status, work authorization

1 status, or family responsibilities.

2 (D) Sexual harassment. For any employer, employee,
3 agent of any employer, employment agency or labor
4 organization to engage in sexual harassment; provided,
5 that an employer shall be responsible for sexual
6 harassment of the employer's employees by nonemployees or
7 nonmanagerial and nonsupervisory employees only if the
8 employer becomes aware of the conduct and fails to take
9 reasonable corrective measures.

10 (D-5) Sexual harassment of nonemployees. For any
11 employer, employee, agent of any employer, employment
12 agency, or labor organization to engage in sexual
13 harassment of nonemployees in the workplace. An employer
14 is responsible for sexual harassment of nonemployees by
15 the employer's nonmanagerial and nonsupervisory employees
16 only if the employer becomes aware of the conduct and
17 fails to take reasonable corrective measures. For the
18 purposes of this subdivision (D-5), "nonemployee" means a
19 person who is not otherwise an employee of the employer
20 and is directly performing services for the employer
21 pursuant to a contract with that employer. "Nonemployee"
22 includes contractors and consultants. This subdivision
23 applies to sexual harassment occurring on or after January
24 1, 2020 (the effective date of Public Act 101-221) ~~this~~
25 ~~amendatory Act of the 101st General Assembly.~~

26 (E) Public employers. For any public employer to

1 refuse to permit a public employee under its jurisdiction
2 who takes time off from work in order to practice his or
3 her religious beliefs to engage in work, during hours
4 other than such employee's regular working hours,
5 consistent with the operational needs of the employer and
6 in order to compensate for work time lost for such
7 religious reasons. Any employee who elects such deferred
8 work shall be compensated at the wage rate which he or she
9 would have earned during the originally scheduled work
10 period. The employer may require that an employee who
11 plans to take time off from work in order to practice his
12 or her religious beliefs provide the employer with a
13 notice of his or her intention to be absent from work not
14 exceeding 5 days prior to the date of absence.

15 (E-5) Religious discrimination. For any employer to
16 impose upon a person as a condition of obtaining or
17 retaining employment, including opportunities for
18 promotion, advancement, or transfer, any terms or
19 conditions that would require such person to violate or
20 forgo a sincerely held practice of his or her religion
21 including, but not limited to, the wearing of any attire,
22 clothing, or facial hair in accordance with the
23 requirements of his or her religion, unless, after
24 engaging in a bona fide effort, the employer demonstrates
25 that it is unable to reasonably accommodate the employee's
26 or prospective employee's sincerely held religious belief,

1 practice, or observance without undue hardship on the
2 conduct of the employer's business.

3 Nothing in this Section prohibits an employer from
4 enacting a dress code or grooming policy that may include
5 restrictions on attire, clothing, or facial hair to
6 maintain workplace safety or food sanitation.

7 (F) Training and apprenticeship programs. For any
8 employer, employment agency or labor organization to
9 discriminate against a person on the basis of age in the
10 selection, referral for or conduct of apprenticeship or
11 training programs.

12 (G) Immigration-related practices.

13 (1) for an employer to request for purposes of
14 satisfying the requirements of Section 1324a(b) of
15 Title 8 of the United States Code, as now or hereafter
16 amended, more or different documents than are required
17 under such Section or to refuse to honor documents
18 tendered that on their face reasonably appear to be
19 genuine or to refuse to honor work authorization based
20 upon the specific status or term of status that
21 accompanies the authorization to work; or

22 (2) for an employer participating in the E-Verify
23 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
24 Programs for Employment Eligibility Confirmation
25 (enacted by PL 104-208, div. C title IV, subtitle A) to
26 refuse to hire, to segregate, or to act with respect to

1 recruitment, hiring, promotion, renewal of employment,
2 selection for training or apprenticeship, discharge,
3 discipline, tenure or terms, privileges or conditions
4 of employment without following the procedures under
5 the E-Verify Program.

6 (H) (Blank).

7 (I) Pregnancy. For an employer to refuse to hire, to
8 segregate, or to act with respect to recruitment, hiring,
9 promotion, renewal of employment, selection for training
10 or apprenticeship, discharge, discipline, tenure or terms,
11 privileges or conditions of employment on the basis of
12 pregnancy, childbirth, or medical or common conditions
13 related to pregnancy or childbirth. Women affected by
14 pregnancy, childbirth, or medical or common conditions
15 related to pregnancy or childbirth shall be treated the
16 same for all employment-related purposes, including
17 receipt of benefits under fringe benefit programs, as
18 other persons not so affected but similar in their ability
19 or inability to work, regardless of the source of the
20 inability to work or employment classification or status.

21 (J) Pregnancy; reasonable accommodations.

22 (1) If after a job applicant or employee,
23 including a part-time, full-time, or probationary
24 employee, requests a reasonable accommodation, for an
25 employer to not make reasonable accommodations for any
26 medical or common condition of a job applicant or

1 employee related to pregnancy or childbirth, unless
2 the employer can demonstrate that the accommodation
3 would impose an undue hardship on the ordinary
4 operation of the business of the employer. The
5 employer may request documentation from the employee's
6 health care provider concerning the need for the
7 requested reasonable accommodation or accommodations
8 to the same extent documentation is requested for
9 conditions related to disability if the employer's
10 request for documentation is job-related and
11 consistent with business necessity. The employer may
12 require only the medical justification for the
13 requested accommodation or accommodations, a
14 description of the reasonable accommodation or
15 accommodations medically advisable, the date the
16 reasonable accommodation or accommodations became
17 medically advisable, and the probable duration of the
18 reasonable accommodation or accommodations. It is the
19 duty of the individual seeking a reasonable
20 accommodation or accommodations to submit to the
21 employer any documentation that is requested in
22 accordance with this paragraph. Notwithstanding the
23 provisions of this paragraph, the employer may require
24 documentation by the employee's health care provider
25 to determine compliance with other laws. The employee
26 and employer shall engage in a timely, good faith, and

1 meaningful exchange to determine effective reasonable
2 accommodations.

3 (2) For an employer to deny employment
4 opportunities or benefits to or take adverse action
5 against an otherwise qualified job applicant or
6 employee, including a part-time, full-time, or
7 probationary employee, if the denial or adverse action
8 is based on the need of the employer to make reasonable
9 accommodations to the known medical or common
10 conditions related to the pregnancy or childbirth of
11 the applicant or employee.

12 (3) For an employer to require a job applicant or
13 employee, including a part-time, full-time, or
14 probationary employee, affected by pregnancy,
15 childbirth, or medical or common conditions related to
16 pregnancy or childbirth to accept an accommodation
17 when the applicant or employee did not request an
18 accommodation and the applicant or employee chooses
19 not to accept the employer's accommodation.

20 (4) For an employer to require an employee,
21 including a part-time, full-time, or probationary
22 employee, to take leave under any leave law or policy
23 of the employer if another reasonable accommodation
24 can be provided to the known medical or common
25 conditions related to the pregnancy or childbirth of
26 an employee. No employer shall fail or refuse to

1 reinstate the employee affected by pregnancy,
2 childbirth, or medical or common conditions related to
3 pregnancy or childbirth to her original job or to an
4 equivalent position with equivalent pay and
5 accumulated seniority, retirement, fringe benefits,
6 and other applicable service credits upon her
7 signifying her intent to return or when her need for
8 reasonable accommodation ceases, unless the employer
9 can demonstrate that the accommodation would impose an
10 undue hardship on the ordinary operation of the
11 business of the employer.

12 For the purposes of this subdivision (J), "reasonable
13 accommodations" means reasonable modifications or
14 adjustments to the job application process or work
15 environment, or to the manner or circumstances under which
16 the position desired or held is customarily performed,
17 that enable an applicant or employee affected by
18 pregnancy, childbirth, or medical or common conditions
19 related to pregnancy or childbirth to be considered for
20 the position the applicant desires or to perform the
21 essential functions of that position, and may include, but
22 is not limited to: more frequent or longer bathroom
23 breaks, breaks for increased water intake, and breaks for
24 periodic rest; private non-bathroom space for expressing
25 breast milk and breastfeeding; seating; assistance with
26 manual labor; light duty; temporary transfer to a less

1 strenuous or hazardous position; the provision of an
2 accessible worksite; acquisition or modification of
3 equipment; job restructuring; a part-time or modified work
4 schedule; appropriate adjustment or modifications of
5 examinations, training materials, or policies;
6 reassignment to a vacant position; time off to recover
7 from conditions related to childbirth; and leave
8 necessitated by pregnancy, childbirth, or medical or
9 common conditions resulting from pregnancy or childbirth.

10 For the purposes of this subdivision (J), "undue
11 hardship" means an action that is prohibitively expensive
12 or disruptive when considered in light of the following
13 factors: (i) the nature and cost of the accommodation
14 needed; (ii) the overall financial resources of the
15 facility or facilities involved in the provision of the
16 reasonable accommodation, the number of persons employed
17 at the facility, the effect on expenses and resources, or
18 the impact otherwise of the accommodation upon the
19 operation of the facility; (iii) the overall financial
20 resources of the employer, the overall size of the
21 business of the employer with respect to the number of its
22 employees, and the number, type, and location of its
23 facilities; and (iv) the type of operation or operations
24 of the employer, including the composition, structure, and
25 functions of the workforce of the employer, the geographic
26 separateness, administrative, or fiscal relationship of

1 the facility or facilities in question to the employer.
2 The employer has the burden of proving undue hardship. The
3 fact that the employer provides or would be required to
4 provide a similar accommodation to similarly situated
5 employees creates a rebuttable presumption that the
6 accommodation does not impose an undue hardship on the
7 employer.

8 No employer is required by this subdivision (J) to
9 create additional employment that the employer would not
10 otherwise have created, unless the employer does so or
11 would do so for other classes of employees who need
12 accommodation. The employer is not required to discharge
13 any employee, transfer any employee with more seniority,
14 or promote any employee who is not qualified to perform
15 the job, unless the employer does so or would do so to
16 accommodate other classes of employees who need it.

17 (K) Notice.

18 (1) For an employer to fail to post or keep posted
19 in a conspicuous location on the premises of the
20 employer where notices to employees are customarily
21 posted, or fail to include in any employee handbook
22 information concerning an employee's rights under this
23 Article, a notice, to be prepared or approved by the
24 Department, summarizing the requirements of this
25 Article and information pertaining to the filing of a
26 charge, including the right to be free from unlawful

1 discrimination, the right to be free from sexual
2 harassment, and the right to certain reasonable
3 accommodations. The Department shall make the
4 documents required under this paragraph available for
5 retrieval from the Department's website.

6 (2) Upon notification of a violation of paragraph
7 (1) of this subdivision (K), the Department may launch
8 a preliminary investigation. If the Department finds a
9 violation, the Department may issue a notice to show
10 cause giving the employer 30 days to correct the
11 violation. If the violation is not corrected, the
12 Department may initiate a charge of a civil rights
13 violation.

14 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;
15 revised 10-7-24.)

16 (Text of Section after amendment by P.A. 103-804)

17 Sec. 2-102. Civil rights violations; employment ~~violations~~
18 ~~employment~~. It is a civil rights violation:

19 (A) Employers. For any employer to refuse to hire, to
20 segregate, to engage in harassment as defined in
21 subsection (E-1) of Section 2-101, or to act with respect
22 to recruitment, hiring, promotion, renewal of employment,
23 selection for training or apprenticeship, discharge,
24 discipline, tenure or terms, privileges or conditions of
25 employment on the basis of unlawful discrimination,

1 citizenship status, work authorization status, or family
2 responsibilities. An employer is responsible for
3 harassment by the employer's nonmanagerial and
4 nonsupervisory employees only if the employer becomes
5 aware of the conduct and fails to take reasonable
6 corrective measures.

7 (A-5) Language. For an employer to impose a
8 restriction that has the effect of prohibiting a language
9 from being spoken by an employee in communications that
10 are unrelated to the employee's duties.

11 For the purposes of this subdivision (A-5), "language"
12 means a person's native tongue, such as Polish, Spanish,
13 or Chinese. "Language" does not include such things as
14 slang, jargon, profanity, or vulgarity.

15 (A-10) Harassment of nonemployees. For any employer,
16 employment agency, or labor organization to engage in
17 harassment of nonemployees in the workplace. An employer
18 is responsible for harassment of nonemployees by the
19 employer's nonmanagerial and nonsupervisory employees only
20 if the employer becomes aware of the conduct and fails to
21 take reasonable corrective measures. For the purposes of
22 this subdivision (A-10), "nonemployee" means a person who
23 is not otherwise an employee of the employer and is
24 directly performing services for the employer pursuant to
25 a contract with that employer. "Nonemployee" includes
26 contractors and consultants. This subdivision applies to

1 harassment occurring on or after January 1, 2020 (the
2 effective date of Public Act 101-221) ~~this amendatory Act~~
3 ~~of the 101st General Assembly.~~

4 (B) Employment agency. For any employment agency to
5 fail or refuse to classify properly, accept applications
6 and register for employment referral or apprenticeship
7 referral, refer for employment, or refer for
8 apprenticeship on the basis of unlawful discrimination,
9 citizenship status, work authorization status, or family
10 responsibilities or to accept from any person any job
11 order, requisition or request for referral of applicants
12 for employment or apprenticeship which makes or has the
13 effect of making unlawful discrimination or discrimination
14 on the basis of citizenship status, work authorization
15 status, or family responsibilities a condition of
16 referral.

17 (C) Labor organization. For any labor organization to
18 limit, segregate or classify its membership, or to limit
19 employment opportunities, selection and training for
20 apprenticeship in any trade or craft, or otherwise to
21 take, or fail to take, any action which affects adversely
22 any person's status as an employee or as an applicant for
23 employment or as an apprentice, or as an applicant for
24 apprenticeships, or wages, tenure, hours of employment or
25 apprenticeship conditions on the basis of unlawful
26 discrimination, citizenship status, work authorization

1 status, or family responsibilities.

2 (D) Sexual harassment. For any employer, employee,
3 agent of any employer, employment agency or labor
4 organization to engage in sexual harassment; provided,
5 that an employer shall be responsible for sexual
6 harassment of the employer's employees by nonemployees or
7 nonmanagerial and nonsupervisory employees only if the
8 employer becomes aware of the conduct and fails to take
9 reasonable corrective measures.

10 (D-5) Sexual harassment of nonemployees. For any
11 employer, employee, agent of any employer, employment
12 agency, or labor organization to engage in sexual
13 harassment of nonemployees in the workplace. An employer
14 is responsible for sexual harassment of nonemployees by
15 the employer's nonmanagerial and nonsupervisory employees
16 only if the employer becomes aware of the conduct and
17 fails to take reasonable corrective measures. For the
18 purposes of this subdivision (D-5), "nonemployee" means a
19 person who is not otherwise an employee of the employer
20 and is directly performing services for the employer
21 pursuant to a contract with that employer. "Nonemployee"
22 includes contractors and consultants. This subdivision
23 applies to sexual harassment occurring on or after January
24 1, 2020 (the effective date of Public Act 101-221) ~~this~~
25 ~~amendatory Act of the 101st General Assembly.~~

26 (E) Public employers. For any public employer to

1 refuse to permit a public employee under its jurisdiction
2 who takes time off from work in order to practice his or
3 her religious beliefs to engage in work, during hours
4 other than such employee's regular working hours,
5 consistent with the operational needs of the employer and
6 in order to compensate for work time lost for such
7 religious reasons. Any employee who elects such deferred
8 work shall be compensated at the wage rate which he or she
9 would have earned during the originally scheduled work
10 period. The employer may require that an employee who
11 plans to take time off from work in order to practice his
12 or her religious beliefs provide the employer with a
13 notice of his or her intention to be absent from work not
14 exceeding 5 days prior to the date of absence.

15 (E-5) Religious discrimination. For any employer to
16 impose upon a person as a condition of obtaining or
17 retaining employment, including opportunities for
18 promotion, advancement, or transfer, any terms or
19 conditions that would require such person to violate or
20 forgo a sincerely held practice of his or her religion
21 including, but not limited to, the wearing of any attire,
22 clothing, or facial hair in accordance with the
23 requirements of his or her religion, unless, after
24 engaging in a bona fide effort, the employer demonstrates
25 that it is unable to reasonably accommodate the employee's
26 or prospective employee's sincerely held religious belief,

1 practice, or observance without undue hardship on the
2 conduct of the employer's business.

3 Nothing in this Section prohibits an employer from
4 enacting a dress code or grooming policy that may include
5 restrictions on attire, clothing, or facial hair to
6 maintain workplace safety or food sanitation.

7 (F) Training and apprenticeship programs. For any
8 employer, employment agency or labor organization to
9 discriminate against a person on the basis of age in the
10 selection, referral for or conduct of apprenticeship or
11 training programs.

12 (G) Immigration-related practices.

13 (1) for an employer to request for purposes of
14 satisfying the requirements of Section 1324a(b) of
15 Title 8 of the United States Code, as now or hereafter
16 amended, more or different documents than are required
17 under such Section or to refuse to honor documents
18 tendered that on their face reasonably appear to be
19 genuine or to refuse to honor work authorization based
20 upon the specific status or term of status that
21 accompanies the authorization to work; or

22 (2) for an employer participating in the E-Verify
23 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
24 Programs for Employment Eligibility Confirmation
25 (enacted by PL 104-208, div. C title IV, subtitle A) to
26 refuse to hire, to segregate, or to act with respect to

1 recruitment, hiring, promotion, renewal of employment,
2 selection for training or apprenticeship, discharge,
3 discipline, tenure or terms, privileges or conditions
4 of employment without following the procedures under
5 the E-Verify Program.

6 (H) (Blank).

7 (I) Pregnancy. For an employer to refuse to hire, to
8 segregate, or to act with respect to recruitment, hiring,
9 promotion, renewal of employment, selection for training
10 or apprenticeship, discharge, discipline, tenure or terms,
11 privileges or conditions of employment on the basis of
12 pregnancy, childbirth, or medical or common conditions
13 related to pregnancy or childbirth. Women affected by
14 pregnancy, childbirth, or medical or common conditions
15 related to pregnancy or childbirth shall be treated the
16 same for all employment-related purposes, including
17 receipt of benefits under fringe benefit programs, as
18 other persons not so affected but similar in their ability
19 or inability to work, regardless of the source of the
20 inability to work or employment classification or status.

21 (J) Pregnancy; reasonable accommodations.

22 (1) If after a job applicant or employee,
23 including a part-time, full-time, or probationary
24 employee, requests a reasonable accommodation, for an
25 employer to not make reasonable accommodations for any
26 medical or common condition of a job applicant or

1 employee related to pregnancy or childbirth, unless
2 the employer can demonstrate that the accommodation
3 would impose an undue hardship on the ordinary
4 operation of the business of the employer. The
5 employer may request documentation from the employee's
6 health care provider concerning the need for the
7 requested reasonable accommodation or accommodations
8 to the same extent documentation is requested for
9 conditions related to disability if the employer's
10 request for documentation is job-related and
11 consistent with business necessity. The employer may
12 require only the medical justification for the
13 requested accommodation or accommodations, a
14 description of the reasonable accommodation or
15 accommodations medically advisable, the date the
16 reasonable accommodation or accommodations became
17 medically advisable, and the probable duration of the
18 reasonable accommodation or accommodations. It is the
19 duty of the individual seeking a reasonable
20 accommodation or accommodations to submit to the
21 employer any documentation that is requested in
22 accordance with this paragraph. Notwithstanding the
23 provisions of this paragraph, the employer may require
24 documentation by the employee's health care provider
25 to determine compliance with other laws. The employee
26 and employer shall engage in a timely, good faith, and

1 meaningful exchange to determine effective reasonable
2 accommodations.

3 (2) For an employer to deny employment
4 opportunities or benefits to or take adverse action
5 against an otherwise qualified job applicant or
6 employee, including a part-time, full-time, or
7 probationary employee, if the denial or adverse action
8 is based on the need of the employer to make reasonable
9 accommodations to the known medical or common
10 conditions related to the pregnancy or childbirth of
11 the applicant or employee.

12 (3) For an employer to require a job applicant or
13 employee, including a part-time, full-time, or
14 probationary employee, affected by pregnancy,
15 childbirth, or medical or common conditions related to
16 pregnancy or childbirth to accept an accommodation
17 when the applicant or employee did not request an
18 accommodation and the applicant or employee chooses
19 not to accept the employer's accommodation.

20 (4) For an employer to require an employee,
21 including a part-time, full-time, or probationary
22 employee, to take leave under any leave law or policy
23 of the employer if another reasonable accommodation
24 can be provided to the known medical or common
25 conditions related to the pregnancy or childbirth of
26 an employee. No employer shall fail or refuse to

1 reinstate the employee affected by pregnancy,
2 childbirth, or medical or common conditions related to
3 pregnancy or childbirth to her original job or to an
4 equivalent position with equivalent pay and
5 accumulated seniority, retirement, fringe benefits,
6 and other applicable service credits upon her
7 signifying her intent to return or when her need for
8 reasonable accommodation ceases, unless the employer
9 can demonstrate that the accommodation would impose an
10 undue hardship on the ordinary operation of the
11 business of the employer.

12 For the purposes of this subdivision (J), "reasonable
13 accommodations" means reasonable modifications or
14 adjustments to the job application process or work
15 environment, or to the manner or circumstances under which
16 the position desired or held is customarily performed,
17 that enable an applicant or employee affected by
18 pregnancy, childbirth, or medical or common conditions
19 related to pregnancy or childbirth to be considered for
20 the position the applicant desires or to perform the
21 essential functions of that position, and may include, but
22 is not limited to: more frequent or longer bathroom
23 breaks, breaks for increased water intake, and breaks for
24 periodic rest; private non-bathroom space for expressing
25 breast milk and breastfeeding; seating; assistance with
26 manual labor; light duty; temporary transfer to a less

1 strenuous or hazardous position; the provision of an
2 accessible worksite; acquisition or modification of
3 equipment; job restructuring; a part-time or modified work
4 schedule; appropriate adjustment or modifications of
5 examinations, training materials, or policies;
6 reassignment to a vacant position; time off to recover
7 from conditions related to childbirth; and leave
8 necessitated by pregnancy, childbirth, or medical or
9 common conditions resulting from pregnancy or childbirth.

10 For the purposes of this subdivision (J), "undue
11 hardship" means an action that is prohibitively expensive
12 or disruptive when considered in light of the following
13 factors: (i) the nature and cost of the accommodation
14 needed; (ii) the overall financial resources of the
15 facility or facilities involved in the provision of the
16 reasonable accommodation, the number of persons employed
17 at the facility, the effect on expenses and resources, or
18 the impact otherwise of the accommodation upon the
19 operation of the facility; (iii) the overall financial
20 resources of the employer, the overall size of the
21 business of the employer with respect to the number of its
22 employees, and the number, type, and location of its
23 facilities; and (iv) the type of operation or operations
24 of the employer, including the composition, structure, and
25 functions of the workforce of the employer, the geographic
26 separateness, administrative, or fiscal relationship of

1 the facility or facilities in question to the employer.
2 The employer has the burden of proving undue hardship. The
3 fact that the employer provides or would be required to
4 provide a similar accommodation to similarly situated
5 employees creates a rebuttable presumption that the
6 accommodation does not impose an undue hardship on the
7 employer.

8 No employer is required by this subdivision (J) to
9 create additional employment that the employer would not
10 otherwise have created, unless the employer does so or
11 would do so for other classes of employees who need
12 accommodation. The employer is not required to discharge
13 any employee, transfer any employee with more seniority,
14 or promote any employee who is not qualified to perform
15 the job, unless the employer does so or would do so to
16 accommodate other classes of employees who need it.

17 (K) Notice.

18 (1) For an employer to fail to post or keep posted
19 in a conspicuous location on the premises of the
20 employer where notices to employees are customarily
21 posted, or fail to include in any employee handbook
22 information concerning an employee's rights under this
23 Article, a notice, to be prepared or approved by the
24 Department, summarizing the requirements of this
25 Article and information pertaining to the filing of a
26 charge, including the right to be free from unlawful

1 discrimination, the right to be free from sexual
2 harassment, and the right to certain reasonable
3 accommodations. The Department shall make the
4 documents required under this paragraph available for
5 retrieval from the Department's website.

6 (2) Upon notification of a violation of paragraph
7 (1) of this subdivision (K), the Department may launch
8 a preliminary investigation. If the Department finds a
9 violation, the Department may issue a notice to show
10 cause giving the employer 30 days to correct the
11 violation. If the violation is not corrected, the
12 Department may initiate a charge of a civil rights
13 violation.

14 (L) Use of artificial intelligence.

15 (1) With respect to recruitment, hiring,
16 promotion, renewal of employment, selection for
17 training or apprenticeship, discharge, discipline,
18 tenure, or the terms, privileges, or conditions of
19 employment, for an employer to use artificial
20 intelligence that has the effect of subjecting
21 employees to discrimination on the basis of protected
22 classes under this Article or to use zip codes as a
23 proxy for protected classes under this Article.

24 (2) For an employer to fail to provide notice to an
25 employee that the employer is using artificial
26 intelligence for the purposes described in paragraph

1 (1).

2 The Department shall adopt any rules necessary for the
3 implementation and enforcement of this subdivision,
4 including, but not limited to, rules on the circumstances
5 and conditions that require notice, the time period for
6 providing notice, and the means for providing notice.

7 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;
8 103-804, eff. 1-1-26; revised 11-26-24.)

9 (775 ILCS 5/2-108)

10 (Section scheduled to be repealed on January 1, 2030)

11 Sec. 2-108. Employer disclosure requirements.

12 (A) Definitions. The following definitions are applicable
13 strictly to this Section:

14 (1) "Employer" means:

15 (a) any person employing one or more employees
16 within this State;

17 (b) a labor organization; or

18 (c) the State and any political subdivision,
19 municipal corporation, or other governmental unit or
20 agency, without regard to the number of employees.

21 (2) "Settlement" means any written commitment or
22 written agreement, including any agreed judgment,
23 stipulation, decree, agreement to settle, assurance of
24 discontinuance, or otherwise between an employee, as
25 defined by subsection (A) of Section 2-101, or a

1 nonemployee to whom an employer owes a duty under this Act
2 pursuant to subsection (A-10) or (D-5) of Section 2-102,
3 and an employer under which the employer directly or
4 indirectly provides to an individual compensation or other
5 consideration due to an allegation that the individual has
6 been a victim of sexual harassment or unlawful
7 discrimination under this Act.

8 (3) "Adverse judgment or administrative ruling" means
9 any final and non-appealable adverse judgment or final and
10 non-appealable administrative ruling entered in favor of
11 an employee as defined by subsection (A) of Section 2-101
12 or a nonemployee to whom an employer owes a duty under this
13 Act pursuant to subsection (A-10) or (D-5) of Section
14 2-102, and against the employer during the preceding year
15 in which there was a finding of sexual harassment or
16 unlawful discrimination brought under this Act, Title VII
17 of the Civil Rights Act of 1964, or any other federal,
18 State, or local law prohibiting sexual harassment or
19 unlawful discrimination.

20 (B) Required disclosures. Beginning July 1, 2020, and by
21 each July 1 thereafter, each employer that had an adverse
22 judgment or administrative ruling against it in the preceding
23 calendar year, as provided in this Section, shall disclose
24 annually to the Department of Human Rights the following
25 information:

26 (1) the total number of adverse judgments or

1 administrative rulings during the preceding year;

2 (2) whether any equitable relief was ordered against
3 the employer in any adverse judgment or administrative
4 ruling described in paragraph (1);

5 (3) how many adverse judgments or administrative
6 rulings described in paragraph (1) are in each of the
7 following categories:

8 (a) sexual harassment;

9 (b) discrimination or harassment on the basis of
10 sex;

11 (c) discrimination or harassment on the basis of
12 race, color, or national origin;

13 (d) discrimination or harassment on the basis of
14 religion;

15 (e) discrimination or harassment on the basis of
16 age;

17 (f) discrimination or harassment on the basis of
18 disability;

19 (g) discrimination or harassment on the basis of
20 military status or unfavorable discharge from military
21 status;

22 (h) discrimination or harassment on the basis of
23 sexual orientation or gender identity; and

24 (i) discrimination or harassment on the basis of
25 any other characteristic protected under this Act.

26 (C) Settlements. If the Department is investigating a

1 charge filed pursuant to this Act, the Department may request
2 the employer responding to the charge to submit the total
3 number of settlements entered into during the preceding 5
4 years, or less at the direction of the Department, that relate
5 to any alleged act of sexual harassment or unlawful
6 discrimination that:

7 (1) occurred in the workplace of the employer; or

8 (2) involved the behavior of an employee of the
9 employer or a corporate executive of the employer, without
10 regard to whether that behavior occurred in the workplace
11 of the employer.

12 The total number of settlements entered into during the
13 requested period shall be reported along with how many
14 settlements are in each of the following categories, when
15 requested by the Department pursuant to this subsection:

16 (a) sexual harassment;

17 (b) discrimination or harassment on the basis of sex;

18 (c) discrimination or harassment on the basis of race,
19 color, or national origin;

20 (d) discrimination or harassment on the basis of
21 religion;

22 (e) discrimination or harassment on the basis of age;

23 (f) discrimination or harassment on the basis of
24 disability;

25 (g) discrimination or harassment on the basis of
26 military status or unfavorable discharge from military

1 status;

2 (h) discrimination or harassment on the basis of
3 sexual orientation or gender identity; and

4 (i) discrimination or harassment on the basis of any
5 other characteristic protected under this Act.⁺

6 The Department shall not rely on the existence of any
7 settlement agreement to support a finding of substantial
8 evidence under this Act.

9 (D) Prohibited disclosures. An employer may not disclose
10 the name of a victim of an act of alleged sexual harassment or
11 unlawful discrimination in any disclosures required under this
12 Section.

13 (E) Annual report. The Department shall publish an annual
14 report aggregating the information reported by employers under
15 subsection (B) of this Section such that no individual
16 employer data is available to the public. The report shall
17 include the number of adverse judgments or administrative
18 rulings filed during the preceding calendar year based on each
19 of the protected classes identified by this Act.

20 The report shall be filed with the General Assembly and
21 made available to the public by December 31 of each reporting
22 year. Data submitted by an employer to comply with this
23 Section is confidential and exempt from the Freedom of
24 Information Act.

25 (F) Failure to report and penalties. If an employer fails
26 to make any disclosures required under this Section, the

1 Department shall issue a notice to show cause giving the
2 employer 30 days to disclose the required information. If the
3 employer does not make the required disclosures within 30
4 days, the Department shall petition the Illinois Human Rights
5 Commission for entry of an order imposing a civil penalty
6 against the employer pursuant to Section 8-109.1. The civil
7 penalty shall be paid into the Department of Human Rights'
8 Training and Development Fund.

9 (G) Rules. The Department shall adopt any rules it deems
10 necessary for implementation of this Section.

11 (H) This Section is repealed on January 1, 2030.

12 (Source: P.A. 101-221, eff. 1-1-20; 102-558, eff. 8-20-21;
13 revised 7-24-24.)

14 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

15 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
16 shall prohibit:

17 (A) Private Sales of Single Family Homes.

18 (1) Any sale of a single family home by its owner so
19 long as the following criteria are met:

20 (a) The owner does not own or have a beneficial
21 interest in more than 3 single family homes at the time
22 of the sale;

23 (b) The owner or a member of the owner's family was
24 the last current resident of the home;

25 (c) The home is sold without the use in any manner

1 of the sales or rental facilities or services of any
2 real estate broker or salesman, or of any employee or
3 agent of any real estate broker or salesman;

4 (d) The home is sold without the publication,
5 posting or mailing, after notice, of any advertisement
6 or written notice in violation of paragraph (F) of
7 Section 3-102.

8 (2) This exemption does not apply to paragraph (F) of
9 Section 3-102.

10 (B) Apartments. Rental of a housing accommodation in a
11 building which contains housing accommodations for not more
12 than 4 families living independently of each other, if the
13 owner resides in one of the housing accommodations. This
14 exemption does not apply to paragraph (F) of Section 3-102.

15 (C) Private Rooms. Rental of a room or rooms in a private
16 home by an owner if the owner or a member of the owner's family
17 resides therein or, while absent for a period of not more than
18 12 months, if the owner or a member of the owner's family
19 intends to return to reside therein. This exemption does not
20 apply to paragraph (F) of Section 3-102.

21 (D) Reasonable local, State, or federal ~~Federal~~
22 restrictions regarding the maximum number of occupants
23 permitted to occupy a dwelling.

24 (E) Religious Organizations. A religious organization,
25 association, or society, or any nonprofit institution or
26 organization operated, supervised, or controlled by or in

1 conjunction with a religious organization, association, or
2 society, from limiting the sale, rental, or occupancy of a
3 dwelling which it owns or operates for other than a commercial
4 purpose to persons of the same religion, or from giving
5 preference to such persons, unless membership in such religion
6 is restricted on account of race, color, or national origin.

7 (F) Sex. Restricting the rental of rooms in a housing
8 accommodation to persons of one sex.

9 (G) Persons Convicted of Drug-Related Offenses. Conduct
10 against a person because such person has been convicted by any
11 court of competent jurisdiction of the illegal manufacture or
12 distribution of a controlled substance as defined in Section
13 102 of the federal Controlled Substances Act (21 U.S.C. 802).

14 (H) Persons engaged in the business of furnishing
15 appraisals of real property from taking into consideration
16 factors other than those based on unlawful discrimination or
17 familial status or source of income in furnishing appraisals.

18 (H-1) The owner of an owner-occupied residential building
19 with 4 or fewer units (including the unit in which the owner
20 resides) from making decisions regarding whether to rent to a
21 person based upon that person's sexual orientation.

22 (I) Housing for Older Persons. No provision in this
23 Article regarding familial status shall apply with respect to
24 housing for older persons.

25 (1) As used in this Section, "housing for older
26 persons" means housing:

1 (a) provided under any State or federal ~~Federal~~
2 program that the Department determines is specifically
3 designed and operated to assist elderly persons (as
4 defined in the State or federal ~~Federal~~ program); or

5 (b) intended for, and solely occupied by, persons
6 62 years of age or older; or

7 (c) intended and operated for occupancy by persons
8 55 years of age or older and:

9 (i) at least 80% of the occupied units are
10 occupied by at least one person who is 55 years of
11 age or older;

12 (ii) the housing facility or community
13 publishes and adheres to policies and procedures
14 that demonstrate the intent required under this
15 subparagraph ~~subdivision~~ (c); and

16 (iii) the housing facility or community
17 complies with rules adopted by the Department for
18 verification of occupancy, which shall:

19 (aa) provide for verification by reliable
20 surveys and affidavits; and

21 (bb) include examples of the types of
22 policies and procedures relevant to a
23 determination of compliance with the
24 requirement of clause (ii).

25 These surveys and affidavits shall be admissible in
26 administrative and judicial proceedings for the purposes

1 of such verification.

2 (2) Housing shall not fail to meet the requirements
3 for housing for older persons by reason of:

4 (a) persons residing in such housing as of the
5 effective date of this amendatory Act of 1989 who do
6 not meet the age requirements of subparagraph
7 ~~subsections~~ (1)(b) or (c); provided, that new
8 occupants of such housing meet the age requirements of
9 subparagraph ~~subsections~~ (1)(b) or (c) of this
10 subsection; or

11 (b) unoccupied units; provided, that such units
12 are reserved for occupancy by persons who meet the age
13 requirements of subparagraph ~~subsections~~ (1)(b) or (c)
14 of this subsection.

15 (3)(a) A person shall not be held personally liable
16 for monetary damages for a violation of this Article if
17 the person reasonably relied, in good faith, on the
18 application of the exemption under this subsection (I)
19 relating to housing for older persons.

20 (b) For the purposes of this paragraph ~~item~~ (3), a
21 person may show good faith reliance on the application of
22 the exemption only by showing that:

23 (i) the person has no actual knowledge that the
24 facility or community is not, or will not be, eligible
25 for the exemption; and

26 (ii) the facility or community has stated

1 formally, in writing, that the facility or community
2 complies with the requirements for the exemption.

3 (J) Child Sex Offender Refusal to Rent. Refusal of a child
4 sex offender who owns and resides at residential real estate
5 to rent any residential unit within the same building in which
6 the child sex offender resides to a person who is the parent or
7 guardian of a child or children under 18 years of age.

8 (K) Arrest Records. Inquiry into or the use of an arrest
9 record if the inquiry or use is otherwise authorized by State
10 or federal law.

11 (L) Financial Institutions. A financial institution as
12 defined in Article 4 from considering source of income or
13 immigration status in a real estate transaction in compliance
14 with State or federal law.

15 (M) Immigration Status. Inquiry into or the use of
16 immigration status if the inquiry or use is in compliance with
17 State or federal law.

18 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;
19 revised 7-24-24.)

20 Section 1185. The Consumer Legal Funding Act is amended by
21 changing Section 5 as follows:

22 (815 ILCS 121/5)

23 Sec. 5. Definitions. As used in this Act:

24 "Advertise" means publishing or disseminating any written,

1 electronic, or printed communication, or any communication by
2 means of recorded telephone messages or transmitted on radio,
3 television, the Internet, or similar communications media,
4 including film strips, motion pictures, and videos, published,
5 disseminated, circulated, or placed before the public,
6 directly or indirectly, for the purpose of inducing a consumer
7 to enter into a consumer legal funding.

8 "Charges" means the fees, as set forth in Section 25, to be
9 paid to the consumer legal funding company by or on behalf of
10 the consumer above the funded amount provided by or on behalf
11 of the company to an Illinois consumer pursuant to this Act.

12 "Consumer" means a natural person who has a pending legal
13 claim and who resides or is domiciled in Illinois.

14 "Consumer legal funding" or "funding" means a nonrecourse
15 transaction in which a company purchases and a consumer
16 transfers to the company an unvested, contingent future
17 interest in the potential net proceeds of a settlement or
18 judgment obtained from the consumer's legal claim; and in
19 which, if no proceeds are obtained from the consumer's legal
20 claim, the consumer is not required to repay the company the
21 consumer legal funding amount or charges.

22 "Consumer legal funding company" or "company" means a
23 person or entity that enters into, purchases, or services a
24 consumer legal funding transaction with an Illinois consumer.

25 "Consumer legal funding company" does not include:

26 (1) an immediate family member of the consumer;

1 (2) a bank, lender, financing entity, or other special
2 purpose entity:

3 (A) that provides financing to a consumer legal
4 funding company; or

5 (B) to which a consumer legal funding company
6 grants a security interest or transfers any rights or
7 interest in a consumer legal funding; or

8 (3) an attorney or accountant who provides services to
9 a consumer.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Funded amount" means the amount of moneys provided to, or
13 on behalf of, the consumer in the consumer legal funding.

14 "Funded amount" does not include charges except for charges
15 that are deducted from the funded amount.

16 "Funding date" means the date on which the funded amount
17 is transferred to the consumer by the consumer legal funding
18 company either by personal delivery; via wire, ACH, or other
19 electronic means; or mailed by insured, certified, or
20 registered United States mail.

21 "Immediate family member" means a parent; sibling; child
22 by blood, adoption, or marriage; spouse; grandparent; or
23 grandchild.

24 "Legal claim" means a bona fide civil claim or cause of
25 action.

26 "Resolution amount" means the funded amount plus the

1 agreed-upon charges that are delivered to the consumer legal
2 funding company on the resolution date.

3 "Resolution date" means the date the resolution amount is
4 delivered to the consumer legal funding company.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation or the Secretary's designee.

7 (Source: P.A. 102-987, eff. 5-27-22; 103-974, eff. 1-1-25;
8 revised 10-23-24.)

9 Section 1190. The Interchange Fee Prohibition Act is
10 amended by changing Section 150-1 as follows:

11 (815 ILCS 151/150-1)

12 (This Section may contain text from a Public Act with a
13 delayed effective date)

14 Sec. 150-1. Short title. This Article ~~Act~~ may be cited as
15 the Interchange Fee Prohibition Act. References in this
16 Article to "this Act" mean this Article.

17 (Source: P.A. 103-592, eff. 7-1-25; revised 10-23-24.)

18 Section 1195. The Consumer Fraud and Deceptive Business
19 Practices Act is amended by setting forth and renumbering
20 multiple versions of Section 2BBBB and by setting forth,
21 renumbering, and changing multiple versions of Section 2EEEE
22 as follows:

1 (815 ILCS 505/2BBBB)

2 Sec. 2BBBB. Deceptive practices related to limited
3 services pregnancy centers.

4 (a) As used in this Section:

5 "Abortion" means the use of any instrument, medicine,
6 drug, or any other substance or device to terminate the
7 pregnancy of an individual known to be pregnant with an
8 intention other than to increase the probability of a live
9 birth, to preserve the life or health of the child after live
10 birth, or to remove a dead fetus, as defined in Section 1-10 of
11 the Reproductive Health Act.

12 "Affiliates" has the meaning given to the term "hospital
13 affiliate" as defined in subsection (b) of Section 10.8 of the
14 Hospital Licensing Act.

15 "Emergency contraception" means one or more prescription
16 drugs (i) used separately or in combination for the purpose of
17 preventing pregnancy, (ii) administered to or
18 self-administered by a patient within a medically recommended
19 amount of time after sexual intercourse, and (iii) dispensed
20 for such purpose in accordance with professional standards of
21 practice.

22 "Limited services pregnancy center" means an organization
23 or facility, including a mobile facility, that:

24 (1) does not directly provide abortions or provide or
25 prescribe emergency contraception, or provide referrals
26 for abortions or emergency contraception, and has no

1 affiliation with any organization or provider who provides
2 abortions or provides or prescribes emergency
3 contraception; and

4 (2) has a primary purpose to offer or provide
5 pregnancy-related services to an individual who is or has
6 reason to believe the individual may be pregnant, whether
7 or not a fee is charged for such services.

8 "Limited services pregnancy center" does not include:

9 (1) a health care professional licensed by the
10 Department of Financial and Professional Regulation;

11 (2) a hospital licensed under the Hospital Licensing
12 Act and its affiliates; or

13 (3) a hospital licensed under the University of
14 Illinois Hospital Act and its affiliates.

15 "Limited services pregnancy center" includes an organization
16 or facility that has employees, volunteers, or agents who are
17 health care professionals licensed by the Department of
18 Financial and Professional Regulation.

19 "Pregnancy-related services" means any medical service, or
20 health counseling service, related to the prevention,
21 preservation, or termination of pregnancy, including, but not
22 limited to, contraception and contraceptive counseling,
23 pregnancy testing, pregnancy diagnosis, pregnancy options
24 counseling, limited obstetric ultrasound, obstetric
25 ultrasound, obstetric sonogram, sexually transmitted
26 infections testing, and prenatal care.

1 (b) A limited services pregnancy center shall not engage
2 in unfair methods of competition or unfair or deceptive acts
3 or practices, including the use or employment of any
4 deception, fraud, false pretense, false promise, or
5 misrepresentation, or the concealment, suppression, or
6 omission of any material fact, with the intent that others
7 rely upon the concealment, suppression, or omission of such
8 material fact:

9 (1) to interfere with or prevent an individual from
10 seeking to gain entry or access to a provider of abortion
11 or emergency contraception;

12 (2) to induce an individual to enter or access the
13 limited services pregnancy center;

14 (3) in advertising, soliciting, or otherwise offering
15 pregnancy-related services; or

16 (4) in conducting, providing, or performing
17 pregnancy-related services.

18 (c) A violation of this Section constitutes a violation of
19 this Act.

20 (Source: P.A. 103-270, eff. 7-27-23; 103-605, eff. 7-1-24.)

21 (815 ILCS 505/2EEEE)

22 Sec. 2EEEE. Credit reporting; medical debt.

23 (a) As used in this Section:

24 "Collection action" means any referral of a bill to a
25 collection agency or law firm to collect payment for services

1 from a consumer for health care services.

2 "Collection agency" means any individual, partnership,
3 corporation, trust, estate, co-operative, association,
4 government or government subdivision, agency, or other entity
5 that either purchases medical debt or collects medical debt on
6 behalf of another entity.

7 "Consumer report" and ~~or~~ "credit report" have the meaning
8 ascribed to the term "consumer report" under 15 U.S.C.
9 1681a(d).

10 "Consumer reporting agency" has the meaning ascribed to
11 that term in 15 U.S.C. 1681a(f).

12 "Medical debt" means a debt arising from the receipt of
13 health care services, products, or devices.

14 "Medical debt" does not include debt charged to a credit
15 card or an open-end or close-end extension of credit made by a
16 financial institution to a borrower unless the open-end or
17 close-end extension of credit may be used by the borrower
18 solely for the purpose of the purchase of health care
19 services.

20 (b) It is an unlawful practice within the meaning of this
21 Act for a consumer reporting agency:

22 (1) to make, create, or furnish any consumer report or
23 credit report containing, incorporating, or reflecting any
24 adverse information that the consumer reporting agency
25 knows or should know relates to medical debt incurred by
26 the consumer or a collection action against the consumer

1 to collect medical debt; and

2 (2) to maintain in the file on a consumer any
3 information relating to medical debt incurred by a
4 consumer or a collection action against the consumer to
5 collect medical debt.

6 (Source: P.A. 103-648, eff. 1-1-25.)

7 (815 ILCS 505/2FFFF)

8 Sec. 2FFFF ~~2BBBB~~. Violations of the Pawnbroker Regulation
9 Act of 2023. Any person who violates Article 15 of the
10 Pawnbroker Regulation Act of 2023 commits an unlawful practice
11 within the meaning of this Act.

12 (Source: P.A. 103-585, eff. 3-22-24; revised 9-25-24.)

13 (815 ILCS 505/2GGGG)

14 Sec. 2GGGG ~~2EEEE~~. Violations concerning teledentistry
15 under the Illinois Dental Practice Act. Any person who
16 violates Section 17.2 of the Illinois Dental Practice Act
17 commits an unlawful practice within the meaning of this Act.

18 (Source: P.A. 103-902, eff. 8-9-24; revised 9-25-24.)

19 Section 1200. The Digital Voice and Likeness Protection
20 Act is amended by changing Section 5 as follows:

21 (815 ILCS 550/5)

22 Sec. 5. Definitions. In this Act:

1 "Artificial intelligence" means a machine-based system
2 that, for explicit or implicit objectives, infers, from the
3 input it receives, how to generate outputs such as
4 predictions, content, recommendations, or decisions that can
5 influence physical or virtual environments. "Artificial
6 intelligence" includes generative artificial intelligence.

7 "Digital replica" means a newly created, electronic
8 representation of the identity of an actual individual created
9 using a computer, algorithm, software, tool, artificial
10 intelligence, or other technology that is fixed in a sound
11 recording or audiovisual work in which that individual did not
12 actually perform or appear and that is so realistic that a
13 reasonable observer would believe it is a performance by the
14 individual being portrayed and no other individual.

15 "Generative artificial intelligence" means an automated
16 computing system that, when prompted with human prompts,
17 descriptions, or queries, can produce outputs that simulate
18 human-produced content, including, but not limited to, the
19 following:

20 (1) textual outputs, such as short answers, essays,
21 poetry, or longer compositions or answers;

22 (2) image outputs, such as fine art, photographs,
23 conceptual art, diagrams, and other images;

24 (3) multimedia outputs, such as audio or video in the
25 form of compositions, songs, or short-form or long-form
26 audio or video; and

(4) other content that would be otherwise produced by human means.

(Source: P.A. 103-830, eff. 8-9-24; revised 10-23-24.)

Section 1205. The Worker Freedom of Speech Act is amended by changing Section 35 as follows:

(820 ILCS 57/35)

Sec. 35. Exceptions. Nothing in this Act:

(1) prohibits communications of information that the employer is required by law to communicate, but only to the extent of the lawful requirement;

(2) limits the rights of an employer or its agent, representative, or designee to conduct meetings involving religious matters or political matters, so long as attendance is voluntary, or to engage in communications, so long as receipt or listening is voluntary;

(3) limits the rights of an employer or its agent, representative, or designee from communicating to its employees any information that is necessary for the employees to perform their required job duties;

(4) prohibits ~~prohibit~~ an employer or its agent, representative, or designee from requiring its employees to attend any training intended to foster a civil and collaborative workplace or reduce or prevent workplace harassment or discrimination;

1 (5) prohibits an institution of higher education, or
2 any agent, representative, or designee of the institution,
3 from conducting meetings or participating in any
4 communications with its employees concerning any
5 coursework, symposia, research, publication, or an
6 academic program at the institution;

7 (6) prohibits a political organization, a political
8 party organization, a caucus organization, a candidate's
9 political organization, or a not-for-profit organization
10 that is exempt from taxation under Section 501(c)(4),
11 501(c)(5), or 501(c)(6) of the Internal Revenue Code from
12 requiring its staff or employees to attend an
13 employer-sponsored meeting or participate in any
14 communication with the employer or the employer's agent,
15 representative or designee for the purpose of
16 communicating the employer's political tenets or purposes;

17 (7) prohibits the General Assembly or a State or local
18 legislative or regulatory body from requiring its ~~their~~
19 employees to attend an employer-sponsored meeting or
20 participate in any communication with the employer or the
21 employer's agent, representative, or designee for the
22 purpose of communicating the employer's proposals to
23 change legislation, proposals to change regulations, or
24 proposals to change public policy; or

25 (8) prohibits a religious organization from requiring
26 its employees to attend an employer-sponsored meeting or

1 participate in any communication with the employer or the
2 employer's agent, representative, or designee for the
3 purpose of communicating the employer's religious beliefs,
4 practices, or tenets.

5 (Source: P.A. 103-722, eff. 1-1-25; revised 10-21-24.)

6 Section 1210. The Illinois Freedom to Work Act is amended
7 by changing Section 10 as follows:

8 (820 ILCS 90/10)

9 Sec. 10. Prohibiting covenants not to compete and
10 covenants not to solicit.

11 (a) No employer shall enter into a covenant not to compete
12 with any employee unless the employee's actual or expected
13 annualized rate of earnings exceeds \$75,000 per year. This
14 amount shall increase to \$80,000 per year beginning on January
15 1, 2027, \$85,000 per year beginning on January 1, 2032, and
16 \$90,000 per year beginning on January 1, 2037. A covenant not
17 to compete entered into in violation of this subsection is
18 void and unenforceable.

19 (b) No employer shall enter into a covenant not to solicit
20 with any employee unless the employee's actual or expected
21 annualized rate of earnings exceeds \$45,000 per year. This
22 amount shall increase to \$47,500 per year beginning on January
23 1, 2027, \$50,000 per year beginning on January 1, 2032, and
24 \$52,500 per year beginning on January 1, 2037. A covenant not

1 to solicit entered into in violation of this subsection is
2 void and unenforceable.

3 (c) No employer shall enter into a covenant not to compete
4 or a covenant not to solicit with any employee who an employer
5 terminates or furloughs or lays off as the result of business
6 circumstances or governmental orders related to the COVID-19
7 pandemic or under circumstances that are similar to the
8 COVID-19 pandemic, unless enforcement of the covenant not to
9 compete includes compensation equivalent to the employee's
10 base salary at the time of termination for the period of
11 enforcement minus compensation earned through subsequent
12 employment during the period of enforcement. A covenant not to
13 compete or a covenant not to solicit entered into in violation
14 of this subsection is void and unenforceable.

15 (d) A covenant not to compete is void and illegal with
16 respect to individuals covered by a collective bargaining
17 agreement under the Illinois Public Labor Relations Act or the
18 Illinois Educational Labor Relations Act.

19 (e) A covenant not to compete or a covenant not to solicit
20 is void and illegal with respect to individuals employed in
21 construction, regardless of whether an individual is covered
22 by a collective bargaining agreement. This subsection (e) does
23 not apply to construction employees who primarily perform
24 management, engineering or architectural, design, or sales
25 functions for the employer or who are shareholders, partners,
26 or owners in any capacity of the employer.

1 (f) ~~(e)~~ Any covenant not to compete or covenant not to
2 solicit entered into after January 1, 2025 (the effective date
3 of Public Act 103-915) ~~this amendatory Act of the 103rd~~
4 ~~General Assembly~~ shall not be enforceable with respect to the
5 provision of mental health services to veterans and first
6 responders by any licensed mental health professional in this
7 State if the enforcement of the covenant not to compete or
8 covenant not to solicit is likely to result in an increase in
9 cost or difficulty for any veteran or first responder seeking
10 mental health services.

11 For the purpose of this subsection:

12 "First responders" means emergency medical services
13 personnel, as defined in the Emergency Medical Services (EMS)
14 Systems Act, firefighters, and law enforcement officers.

15 "Licensed mental health professional" means a person
16 licensed under the Clinical Psychologist Licensing Act, the
17 Clinical Social Work and Social Work Practice Act, the
18 Marriage and Family Therapy Licensing Act, the Nurse Practice
19 Act, or the Professional Counselor and Clinical Professional
20 Counselor Licensing and Practice Act.

21 (Source: P.A. 102-358, eff. 1-1-22; 103-915, eff. 1-1-25;
22 103-921, eff. 1-1-25; revised 11-26-24.)

23 Section 1215. The Victims' Economic Security and Safety
24 Act is amended by changing Section 35 as follows:

1 (820 ILCS 180/35)

2 Sec. 35. Enforcement.

3 (a) Department of Labor.

4 (1) The Director or his or her authorized
5 representative shall administer and enforce the provisions
6 of this Act. Any employee or a representative of employees
7 who believes his or her rights under this Act have been
8 violated may, within 3 years after the alleged violation
9 occurs, file a complaint with the Department requesting a
10 review of the alleged violation. A copy of the complaint
11 shall be sent to the person who allegedly committed the
12 violation, who shall be the respondent. Upon receipt of a
13 complaint, the Director shall cause such investigation to
14 be made as he or she deems appropriate. The investigation
15 shall provide an opportunity for a public hearing at the
16 request of any party to the review to enable the parties to
17 present information relating to the alleged violation
18 ~~allegation~~. The parties shall be given written notice of
19 the time and place of the hearing at least 7 days before
20 the hearing. Upon receiving the report of the
21 investigation, the Director shall make findings of fact.
22 If the Director finds that a violation did occur, he or she
23 shall issue a decision incorporating his or her findings
24 and requiring the party committing the violation to take
25 such affirmative action to abate the violation as the
26 Director deems appropriate, including:

1 (A) damages equal to the amount of wages, salary,
2 employment benefits, public assistance, or other
3 compensation denied or lost to such individual by
4 reason of the violation, and the interest on that
5 amount calculated at the prevailing rate;

6 (B) such equitable relief as may be appropriate,
7 including, but not limited to, hiring, reinstatement,
8 promotion, and reasonable accommodations; and

9 (C) reasonable attorney's fees, reasonable expert
10 witness fees, and other costs of the action to be paid
11 by the respondent to a prevailing employee.

12 If the Director finds that there was no violation, he
13 or she shall issue an order denying the complaint. An
14 order issued by the Director under this Section shall be
15 final and subject to judicial review under the
16 Administrative Review Law.

17 (2) The Director shall adopt rules necessary to
18 administer and enforce this Act in accordance with the
19 Illinois Administrative Procedure Act. The Director shall
20 have the powers and the parties shall have the rights
21 provided in the Illinois Administrative Procedure Act for
22 contested cases, including, but not limited to, provisions
23 for depositions, subpoena power and procedures, and
24 discovery and protective order procedures.

25 (3) Intervention. The Attorney General of Illinois may
26 intervene on behalf of the Department if the Department

1 certifies that the case is of general public importance.

2 Upon such intervention the court may award such relief as
3 is authorized to be granted to an employee who has filed a
4 complaint or whose representative has filed a complaint
5 under this Section.

6 (b) Refusal to pay damages. Any employer who has been
7 ordered by the Director of Labor or the court to pay damages
8 under this Section and who fails to do so within 30 days after
9 the order is entered is liable to pay a penalty of 1% per
10 calendar day to the employee for each day of delay in paying
11 the damages to the employee.

12 (Source: P.A. 93-591, eff. 8-25-03; revised 7-23-24.)

13 Section 1220. The Paid Leave for All Workers Act is
14 amended by changing Section 15 as follows:

15 (820 ILCS 192/15)

16 Sec. 15. Provision of paid leave.

17 (a) An employee who works in Illinois is entitled to earn
18 and use up to a minimum of 40 hours of paid leave during a
19 12-month period or a pro rata number of hours of paid leave
20 under the provisions of subsection (b). The paid leave may be
21 used by the employee for any purpose as long as the paid leave
22 is taken in accordance with the provisions of this Act.

23 (b) Paid leave under this Act shall accrue at the rate of
24 one hour of paid leave for every 40 hours worked up to a

1 minimum of 40 hours of paid leave or such greater amount if the
2 employer provides more than 40 hours. Employees who are exempt
3 from the overtime requirements of the federal Fair Labor
4 Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40
5 hours in each workweek for purposes of paid leave accrual
6 unless their regular workweek is less than 40 hours, in which
7 case paid leave accrues based on that regular workweek.
8 Employees shall determine how much paid leave they need to
9 use; ~~if~~ however, ~~the~~ employers may set a reasonable minimum
10 increment for the use of paid leave not to exceed 2 hours per
11 day. If an employee's scheduled workday is less than 2 hours
12 per day, the employee's scheduled workday shall be used to
13 determine the amount of paid leave.

14 (c) An employer may make available the minimum number of
15 hours of paid leave, subject to pro rata requirements provided
16 in subsection (b), to an employee on the first day of
17 employment or the first day of the 12-month period. Employers
18 that provide the minimum number of hours of paid leave to an
19 employee on the first day of employment or the first day of the
20 12-month period are not required to carry over ~~carryover~~ paid
21 leave from 12-month period to 12-month period and may require
22 employees to use all paid leave prior to the end of the benefit
23 period or forfeit the unused paid leave. However, under no
24 circumstances shall an employee be credited with paid leave
25 that is less than what the employee would have accrued under
26 subsections (a) and (g) of this Section.

1 (d) The 12-month period may be any consecutive 12-month
2 period designated by the employer in writing at the time of
3 hire. Changes to the 12-month period may be made by the
4 employer if notice is given to employees in writing prior to
5 the change and the change does not reduce the eligible accrual
6 rate and paid leave available to the employee. If the employer
7 changes the designated 12-month period, the employer shall
8 provide the employee with documentation of the balance of
9 hours worked, paid leave accrued and taken, and the remaining
10 paid leave balance.

11 (e) Paid leave under this Act may be taken by an employee
12 for any reason of the employee's choosing. An employee is not
13 required to provide an employer a reason for the leave and may
14 not be required to provide documentation or certification as
15 proof or in support of the leave. An employee may choose
16 whether to use paid leave provided under this Act prior to
17 using any other leave provided by the employer or State law.

18 (f) Employees shall be paid their hourly rate of pay for
19 paid leave. However, employees engaged in an occupation in
20 which gratuities or commissions have customarily and usually
21 constituted and have been recognized as part of the
22 remuneration for hire purposes shall be paid by their employer
23 at least the full minimum wage in the jurisdiction in which
24 they are employed when paid leave is taken. This wage shall be
25 treated as the employee's regular rate of pay for purposes of
26 this Act.

1 (g) Paid leave under this Act shall begin to accrue at the
2 commencement of employment or on the effective date of this
3 Act, whichever is later. Employees shall be entitled to begin
4 using paid leave 90 days following commencement of their
5 employment or 90 days following the effective date of this
6 Act, whichever is later.

7 (h) Paid leave under this Act shall be provided upon the
8 oral or written request of an employee in accordance with the
9 employer's reasonable paid leave policy notification
10 requirements which may include the following:

11 (1) If use of paid leave under this Act is
12 foreseeable, the employer may require the employee to
13 provide 7 calendar days' notice before the date the leave
14 is to begin.

15 (2) If paid leave under this Act is not foreseeable,
16 the employee shall provide such notice as soon as is
17 practicable after the employee is aware of the necessity
18 of the leave. An employer that requires notice of paid
19 leave under this Act when the leave is not foreseeable
20 shall provide a written policy that contains procedures
21 for the employee to provide notice.

22 (3) Employers shall provide employees with written
23 notice of the paid leave policy notification requirements
24 in this Section in the manner provided in Section 20 for
25 notice and posting and within 5 calendar days of any
26 change to the employer's reasonable paid leave policy

1 notification requirements.

2 (4) An employer may not require, as a condition of
3 providing paid leave under this Act, that the employee
4 search for or find a replacement worker to cover the hours
5 during which the employee takes paid leave.

6 (i) Except as provided in subsection (c), paid leave under
7 this Act shall carry over annually to the extent not used by
8 the employee, provided that nothing in this Act shall be
9 construed to require an employer to provide more than 40 hours
10 of paid leave for an employee in the 12-month period unless the
11 employer agrees to do so.

12 (j) Nothing in this Section or any other Illinois law or
13 rule shall be construed as requiring financial or other
14 payment to an employee from an employer upon the employee's
15 termination, resignation, retirement, or other separation from
16 employment for paid leave accrued under this Act that has not
17 been used. Nothing in this Section or any other Illinois law or
18 rule shall be construed as requiring financial or other
19 reimbursements to an employee from an employer for unused paid
20 leave under this Act at the end of the benefit year or any
21 other time.

22 (k) If an employee is transferred to a separate division,
23 entity, or location, but remains employed by the same
24 employer, the employee is entitled to all paid leave accrued
25 at the prior division, entity, or location and is entitled to
26 use all paid leave as provided in this Section. If there is a

1 separation from employment and the employee is rehired within
2 12 months of separation by the same employer, previously
3 accrued paid leave that had not been used by the employee shall
4 be reinstated. The employee shall be entitled to use accrued
5 paid leave at the commencement of employment following a
6 separation from employment of 12 months or less.

7 (1) Paid leave under this Act shall not be charged or
8 otherwise credited to an employee's paid time off bank or
9 employee account unless the employer's policy permits such a
10 credit. If the paid leave under this Act is credited to an
11 employee's paid time off bank or employee vacation account
12 then any unused paid leave shall be paid to the employee upon
13 the employee's termination, resignation, retirement, or other
14 separation to the same extent as vacation time under existing
15 Illinois law or rule. Nothing in this Act shall be construed to
16 waive or otherwise limit an employee's right to final
17 compensation for promised and earned, but unpaid vacation time
18 or paid time off, as provided under the Illinois Wage Payment
19 and Collection Act and rules. Employers shall provide
20 employees with written notice of changes to the employer's
21 vacation time, paid time off, or other paid leave policies
22 that affect an employee's right to final compensation for such
23 leave.

24 (m) During any period an employee takes leave under this
25 Act, the employer shall maintain coverage for the employee and
26 any family member under any group health plan for the duration

1 of such leave at no less than the level and conditions of
2 coverage that would have been provided if the employee had not
3 taken the leave. The employer shall notify the employee that
4 the employee is still responsible for paying the employee's
5 share of the cost of the health care coverage, if any.

6 (n) Nothing in this Act shall be deemed to interfere with,
7 impede, or in any way diminish the right of employees to
8 bargain collectively with their employers through
9 representatives of their own choosing in order to establish
10 wages or other conditions of work in excess of the applicable
11 minimum standards established in this Act. The paid leave
12 requirements of this Act may be waived in a bona fide
13 collective bargaining agreement, but only if the waiver is set
14 forth explicitly in such agreement in clear and unambiguous
15 terms.

16 Nothing in this Act shall be deemed to affect the validity
17 or change the terms of bona fide collective bargaining
18 agreements in effect on January 1, 2024. After that date,
19 requirements of this Act may be waived in a bona fide
20 collective bargaining agreement, but only if the waiver is set
21 forth explicitly in such agreement in clear and unambiguous
22 terms.

23 In no event shall this Act apply to any employee working in
24 the construction industry who is covered by a bona fide
25 collective bargaining agreement, nor shall this Act apply to
26 any employee who is covered by a bona fide collective

1 bargaining agreement with an employer that provides services
2 nationally and internationally of delivery, pickup, and
3 transportation of parcels, documents, and freight.

4 Notwithstanding the provisions of this subsection, nothing
5 in this Act shall be deemed to affect the validity or change
6 the terms of a bona fide collective bargaining agreement
7 applying to an employee who is employed by a State agency that
8 is in effect on July 1, 2024. After that date, requirements of
9 this Act may be waived in a bona fide collective bargaining
10 agreement, but only if the waiver is set forth explicitly in
11 such agreement in clear and unambiguous terms. As used in this
12 subsection, "State agency" has the same meaning as set forth
13 in Section 4 of the Forms Notice Act.

14 (o) An agreement by an employee to waive his or her rights
15 under this Act is void as against public policy.

16 (p) The provisions of this Act shall not apply to any
17 employer that is covered by a municipal or county ordinance
18 that is in effect on the effective date of this Act that
19 requires employers to give any form of paid leave to their
20 employees, including paid sick leave or paid leave.
21 Notwithstanding the provisions of this subsection, any
22 employer that is not required to provide paid leave to its
23 employees, including paid sick leave or paid leave, under a
24 municipal or county ordinance that is in effect on the
25 effective date of this Act shall be subject to the provisions
26 of this Act if the employer would be required to provide paid

1 leave under this Act to its employees.

2 Any local ordinance that provides paid leave, including
3 paid sick leave or paid leave, enacted or amended after the
4 effective date of this Act must comply with the requirements
5 of this Act or provide benefits, rights, and remedies that are
6 greater than or equal to the benefits, rights, and remedies
7 afforded under this Act.

8 An employer in a municipality or county that enacts or
9 amends a local ordinance that provides paid leave, including
10 paid sick leave or paid leave, after the effective date of this
11 Act shall only comply with the local ordinance or ordinances
12 so long as the benefits, rights, and remedies are greater than
13 or equal to the benefits, rights, and remedies afforded under
14 this Act.

15 (Source: P.A. 102-1143, eff. 1-1-24; 103-605, eff. 7-1-24;
16 revised 10-23-24.)

17 Section 1225. The Child Labor Law of 2024 is amended by
18 changing Sections 35 and 55 as follows:

19 (820 ILCS 206/35)

20 Sec. 35. Employer requirements.

21 (a) It shall be unlawful for any person to employ, allow,
22 or permit any minor to work unless the minor obtains an
23 employment certificate authorizing the minor to work for that
24 person. Any person seeking to employ, allow, or permit any

1 minor to work shall provide that minor with a notice of
2 intention to employ to be submitted by the minor to the minor's
3 school issuing officer with the minor's application for an
4 employment certificate.

5 (b) Every employer of one or more minors shall maintain,
6 on the premises where the work is being done, records that
7 include the name, date of birth, and place of residence of
8 every minor who works for that employer, notice of intention
9 to employ the minor, and the minor's employment certificate.
10 Authorized officers and employees of the Department, truant
11 officers, and other school officials charged with the
12 enforcement of school attendance requirements described in
13 Section 26-1 of the School Code may inspect the records
14 without notice at any time.

15 (c) Every employer of minors shall ensure that all minors
16 are supervised by an adult 21 years of age or older, on site,
17 at all times while the minor is working.

18 (d) No person shall employ, allow, or permit any minor to
19 work for more than 5 hours continuously without an interval of
20 at least 30 minutes for a meal period. No period of less than
21 30 minutes shall be deemed to interrupt a continuous period of
22 work.

23 (e) Every employer who employs one or more minors shall
24 post in a conspicuous place where minors are employed,
25 allowed, or permitted to work, a notice summarizing the
26 requirements of this Act, including a list of the occupations

1 prohibited to minors and the Department's toll free telephone
2 number described in Section 85. An employer with employees who
3 do not regularly report to a physical workplace, such as
4 employees who work remotely or travel for work, shall also
5 provide the summary and notice by email to its employees or
6 conspicuous posting on the employer's website or intranet
7 site, if the site is regularly used by the employer to
8 communicate work-related information to employees and is able
9 to be regularly accessed by all employees, freely and without
10 interference. The notice shall be furnished by the Department.

11 (f) Every employer, during the period of employment of a
12 minor and for 3 years thereafter, shall keep on file, at the
13 place of employment, a copy of the employment certificate
14 issued for the minor. An employment certificate shall be valid
15 only for the employer for whom it was issued and a new
16 certificate shall not be issued for the employment of a minor
17 except on the presentation of a new statement of intention to
18 employ the minor. The failure of any employer to produce for
19 inspection the employment certificate for each minor in the
20 employer's establishment shall be a violation of this Act. The
21 Department may specify any other record keeping requirements
22 by rule.

23 (g) In the event of the work-related death of a minor
24 engaged in work subject to this Act, the employer shall,
25 within 24 hours, report the death to the Department and to the
26 school official who issued the minor's work certificate for

1 that employer. In the event of a work-related injury or
2 illness of a minor that requires the employer to file a report
3 with the Illinois Workers' Compensation Commission under
4 Section 6 of the Workers' Compensation Act or Section 6 of the
5 Workers' Occupational Diseases Act, the employer shall submit
6 a copy of the report to the Department and to the school
7 official who issued the minor's work certificate for that
8 employer within 72 hours of the deadline by which the employer
9 must file the report to the Illinois Workers' Compensation
10 Commission. The report shall be subject to the confidentiality
11 provisions of Section 6 of the Workers' Compensation Act or
12 Section 6 of the Workers' Occupational Diseases Act.

13 (Source: P.A. 103-721, eff. 1-1-25; revised 12-1-24.)

14 (820 ILCS 206/55)

15 Sec. 55. Employment certificates.

16 (a) Any employer who employs, allows, or permits a minor
17 to work shall ensure that the minor holds a valid employment
18 certificate issued by a school issuing officer.

19 (b) An application for an employment certificate must be
20 submitted by the minor and the minor's parent or legal
21 guardian to the minor's school issuing officer as follows.

22 (1) The application shall be signed by the applicant's
23 parent or legal guardian.

24 (2) The application shall be submitted in person by
25 the minor desiring employment, unless the school issuing

1 officer determines that the minor may utilize a remote
2 application process.

3 (3) The minor shall be accompanied by his or her
4 parent, guardian, or custodian, whether applying in person
5 or remotely.

6 (4) The following papers shall be submitted with the
7 application:

8 (A) A statement of intention to employ signed by
9 the prospective employer, or by someone duly
10 authorized by the prospective employer, setting forth
11 the specific nature of the occupation in which the
12 prospective employer intends to employ the minor and
13 the exact hours of the day and number of hours per day
14 and days per week during which the minor shall be
15 employed.

16 (B) Evidence of age showing that the minor is of
17 the age required by this Act, which evidence shall be
18 documentary, and shall be required in the order
19 designated, as follows:

20 (i) a birth certificate; or

21 (ii) if a birth certificate is unavailable,
22 the parent or legal guardian may present other
23 reliable proof of the minor's identity and age
24 that is supported by a sworn statement explaining
25 why the birth certificate is not available. Other
26 reliable proof of the minor's identity and age

1 includes a passport, visa, or other governmental
2 documentation of the minor's identity. If the
3 student was not born in the United States, the
4 school issuing officer must accept birth
5 certificates or other reliable proof from a
6 foreign government.

7 (C) A statement on a form approved by the
8 Department and signed by the school issuing officer,
9 showing the minor's name, address, grade last
10 completed, the hours the minor's school is in session,
11 and other relevant information, as determined by the
12 school issuing officer, about the minor's school
13 schedule, and the names of the minor's parent or legal
14 guardian. If any of the information required to be on
15 the work permit changes, the issuing officer must
16 update the work permit and provide an updated copy to
17 the Department, the minor's employer, and the minor's
18 parent or legal guardian. If the minor does not have a
19 permanent home address or is otherwise eligible for
20 services under the federal McKinney-Vento Homeless
21 Assistance Act, the lack of a birth certificate or
22 permanent home address alone shall not be a barrier to
23 receiving an employment certificate.

24 (D) A statement of physical fitness signed by a
25 health care professional who has examined the minor,
26 certifying that the minor is physically fit to be

1 employed in all legal occupations or to be employed in
2 legal occupations under limitations specified, or, at
3 the discretion of the school issuing officer, the
4 minor's most recent school physical. If the statement
5 of physical fitness is limited, the employment
6 certificate issued thereon shall state clearly the
7 limitations upon its use, and shall be valid only when
8 used under the limitations so stated. In any case
9 where the health care professional deems it advisable
10 that he or she may issue a certificate of physical
11 fitness for a specified period of time, at the
12 expiration of which the person for whom it was issued
13 shall appear and be re-examined before being permitted
14 to continue work. Examinations shall be made in
15 accordance with the standards and procedures
16 prescribed by the Director, in consultation with the
17 Director of the Department of Public Health and the
18 State Superintendent of Education, and shall be
19 recorded on a form furnished by the Department. When
20 made by public health or public school physicians, the
21 examination shall be made without charge to the minor.
22 If a public health or public school health care
23 professional is not available, a statement from a
24 private health care professional who has examined the
25 minor may be accepted, provided that the examination
26 is made in accordance with the standards and

1 procedures established by the Department. For purposes
2 of this paragraph, "health care professional" means a
3 physician licensed to practice medicine in all its
4 branches, a licensed advanced practice registered
5 nurse, or a licensed physician assistant.

6 (5) The school issuing officer shall have authority to
7 verify the representations provided in the employment
8 certificate application as required by Section 55. A
9 school issuing officer shall not charge a fee for the
10 consideration of an employment certificate application.

11 (6) It shall be the duty of the school board or local
12 school authority to designate a place or places where
13 certificates shall be issued and recorded, and physical
14 examinations made without fee, and to establish and
15 maintain the necessary records and clerical services for
16 carrying out the provisions of this Act.

17 (c) Upon receipt of an application for an employment
18 certificate, a school issuing officer shall issue an
19 employment certificate only after examining and approving the
20 written application and other papers required under this
21 Section, and determining that the employment shall not be
22 detrimental to the minor's health, welfare, and education. The
23 school issuing officer shall consider any report of death,
24 injury, or illness of a minor at that workplace, received
25 under the requirements of Section 35, in the prior 2 years in
26 determining whether the employment shall be detrimental to the

1 minor's health, welfare, and education. Upon issuing an
2 employment certificate to a minor, the school issuing officer
3 shall notify the principal of the school attended by the
4 minor, and provide copies to the Department, the minor's
5 employer, and the minor's parent or legal guardian. The
6 employment certificate shall be valid for a period of one year
7 from the date of issuance, unless suspended or revoked.

8 (d) If the school issuing officer refuses to issue a
9 certificate to a minor, the school issuing officer shall send
10 to the principal of the school attended by the minor a notice
11 of the refusal, including the name and address of the minor and
12 of the minor's parent or legal guardian, and the reason for the
13 refusal to issue the certificate.

14 (e) If a minor from another state seeks to obtain an
15 Illinois employment certificate, the Department shall work
16 with the State Superintendent of Education, or his or her duly
17 authorized agents, to issue the certificate if the State
18 Superintendent of Education deems that all requirements for
19 issuance have been met.

20 (f) Upon request, the school issuing officer shall issue a
21 certificate of age to any person between 16 and 20 years of age
22 upon presentation of the same proof of age as is required for
23 the issuance of employment certificates under this Act.

24 (g) Any certificate duly issued in accordance with this
25 Act shall be prima facie evidence of the age of the minor for
26 whom it was issued in any proceeding involving the employment

1 of the minor under this Act, as to any act occurring subsequent
2 to its issuance, or until revoked.

3 (h) The Department may suspend any certificate as an
4 emergency action imperatively required for the health, safety,
5 welfare, or education of the minor if:

6 (1) the parent or legal guardian of a minor, the
7 school issuing officer, or the principal of the school
8 attended by the minor for whom an employment certificate
9 has been issued has asked for the revocation of the
10 certificate by petition to the Department in writing,
11 stating the reasons he or she believes that the employment
12 is interfering with the health, safety, welfare, or
13 education of the minor; or

14 (2) in the judgment of the Director, the employment
15 certificate was improperly issued or if the minor is
16 illegally employed.

17 If the certificate is suspended, the Department shall
18 notify the employer of the minor, the parent or guardian of the
19 minor, the minor's school principal, and the school issuing
20 officer of the suspension in writing and shall schedule an
21 administrative hearing to take place within 21 days after the
22 date of any suspension. The minor shall not thereafter be
23 employed, allowed, or permitted to work unless and until his
24 or her employment certificate has been reinstated. After the
25 hearing, an administrative law judge shall issue a final order
26 either reinstating or revoking the employment certificate. If

1 the certificate is revoked, the employer shall not thereafter
2 employ, permit, or allow the minor to work until the minor has
3 obtained a new employment certificate authorizing the minor's
4 employment by that employer.

5 (Source: P.A. 103-721, eff. 1-1-25; revised 10-21-24.)

6 Section 1230. The Underground Sewer Employee Safety Act is
7 amended by changing Section 0.05 as follows:

8 (820 ILCS 250/0.05)

9 Sec. 0.05. Federal regulations; operation of Act.

10 (a) Except as provided in subsection (b), Sections 1
11 through 6 of this Act are inoperative on and after June 10,
12 2022 (the effective date of Public Act 102-1071) ~~this~~
13 ~~amendatory Act of the 102nd General Assembly.~~

14 (b) If at any time the Occupational Safety and Health
15 standards at 29 CFR 1910.120 ~~and~~ 29 CFR 1910.146 or the Safety
16 and Health Regulations for Construction standards 29 CFR
17 1926.1201 through 29 CFR 1926.1213 are repealed or revoked,
18 the Director of Labor shall adopt a rule setting forth a
19 determination that this Act should be reviewed and reinstated,
20 in whole or in part, in order to protect the health and safety
21 of Illinois' workers. On the date such a rule is adopted, this
22 Act shall again become operative.

23 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-24-24.)

1 Section 1235. The Workers' Compensation Act is amended by
2 changing Section 7 as follows:

3 (820 ILCS 305/7)

4 Sec. 7. The amount of compensation which shall be paid for
5 an accidental injury to the employee resulting in death is:

6 (a) If the employee leaves surviving a widow, widower,
7 child or children, the applicable weekly compensation rate
8 computed in accordance with subparagraph 2 of paragraph (b) of
9 Section 8, shall be payable during the life of the widow or
10 widower and if any surviving child or children shall not be
11 physically or mentally incapacitated then until the death of
12 the widow or widower or until the youngest child shall reach
13 the age of 18, whichever shall come later; provided that if
14 such child or children shall be enrolled as a full-time ~~full~~
15 ~~time~~ student in any accredited educational institution, the
16 payments shall continue until such child has attained the age
17 of 25. In the event any surviving child or children shall be
18 physically or mentally incapacitated, the payments shall
19 continue for the duration of such incapacity.

20 The term "child" means a child whom the deceased employee
21 left surviving, including a posthumous child, a child legally
22 adopted, a child whom the deceased employee was legally
23 obligated to support or a child to whom the deceased employee
24 stood in loco parentis. The term "children" means the plural
25 of "child".

1 The term "physically or mentally incapacitated child or
2 children" means a child or children incapable of engaging in
3 regular and substantial gainful employment.

4 In the event of the remarriage of a widow or widower, where
5 the decedent did not leave surviving any child or children
6 who, at the time of such remarriage, are entitled to
7 compensation benefits under this Act, the surviving spouse
8 shall be paid a lump sum equal to 2 years compensation benefits
9 and all further rights of such widow or widower shall be
10 extinguished.

11 If the employee leaves surviving any child or children
12 under 18 years of age who at the time of death shall be
13 entitled to compensation under this paragraph (a) of this
14 Section, the weekly compensation payments herein provided for
15 such child or children shall in any event continue for a period
16 of not less than 6 years.

17 Any beneficiary entitled to compensation under this
18 paragraph (a) of this Section shall receive from the special
19 fund provided in paragraph (f) of this Section, in addition to
20 the compensation herein provided, supplemental benefits in
21 accordance with paragraph (g) of Section 8.

22 (b) If no compensation is payable under paragraph (a) of
23 this Section and the employee leaves surviving a parent or
24 parents who at the time of the accident were totally dependent
25 upon the earnings of the employee then weekly payments equal
26 to the compensation rate payable in the case where the

1 employee leaves surviving a widow or widower, shall be paid to
2 such parent or parents for the duration of their lives, and in
3 the event of the death of either, for the life of the survivor.

4 (c) If no compensation is payable under paragraph
5 ~~paragraphs~~ (a) or (b) of this Section and the employee leaves
6 surviving any child or children who are not entitled to
7 compensation under the foregoing paragraph (a) but who at the
8 time of the accident were nevertheless in any manner dependent
9 upon the earnings of the employee, or leaves surviving a
10 parent or parents who at the time of the accident were
11 partially dependent upon the earnings of the employee, then
12 there shall be paid to such dependent or dependents for a
13 period of 8 years weekly compensation payments at such
14 proportion of the applicable rate if the employee had left
15 surviving a widow or widower as such dependency bears to total
16 dependency. In the event of the death of any such beneficiary
17 the share of such beneficiary shall be divided equally among
18 the surviving beneficiaries and in the event of the death of
19 the last such beneficiary all the rights under this paragraph
20 shall be extinguished.

21 (d) If no compensation is payable under paragraph
22 ~~paragraphs~~ (a), (b), or (c) of this Section and the employee
23 leaves surviving any grandparent, grandparents, grandchild or
24 grandchildren or collateral heirs dependent upon the
25 employee's earnings to the extent of 50% or more of total
26 dependency, then there shall be paid to such dependent or

1 dependents for a period of 5 years weekly compensation
2 payments at such proportion of the applicable rate if the
3 employee had left surviving a widow or widower as such
4 dependency bears to total dependency. In the event of the
5 death of any such beneficiary the share of such beneficiary
6 shall be divided equally among the surviving beneficiaries and
7 in the event of the death of the last such beneficiary all
8 rights hereunder shall be extinguished.

9 (e) The compensation to be paid for accidental injury
10 which results in death, as provided in this Section, shall be
11 paid to the persons who form the basis for determining the
12 amount of compensation to be paid by the employer, the
13 respective shares to be in the proportion of their respective
14 dependency at the time of the accident on the earnings of the
15 deceased. The Commission or an Arbitrator thereof may, in its
16 or his discretion, order or award the payment to the parent or
17 grandparent of a child for the latter's support the amount of
18 compensation which but for such order or award would have been
19 paid to such child as its share of the compensation payable,
20 which order or award may be modified from time to time by the
21 Commission in its discretion with respect to the person to
22 whom shall be paid the amount of the order or award remaining
23 unpaid at the time of the modification.

24 The payments of compensation by the employer in accordance
25 with the order or award of the Commission discharges such
26 employer from all further obligation as to such compensation.

1 (f) The sum of \$8,000 for burial expenses shall be paid by
2 the employer to the widow or widower, other dependent, next of
3 kin or to the person or persons incurring the expense of
4 burial.

5 In the event the employer failed to provide necessary
6 first aid, medical, surgical or hospital service, he shall pay
7 the cost thereof to the person or persons entitled to
8 compensation under paragraphs (a), (b), (c), or (d) of this
9 Section, or to the person or persons incurring the obligation
10 therefore, or providing the same.

11 On January 15 and July 15, 1981, and on January 15 and July
12 15 of each year thereafter the employer shall within 60 days
13 pay a sum equal to 1/8 of 1% of all compensation payments made
14 by him after July 1, 1980, either under this Act or the
15 Workers' Occupational Diseases Act, whether by lump sum
16 settlement or weekly compensation payments, but not including
17 hospital, surgical or rehabilitation payments, made during the
18 first 6 months and during the second 6 months respectively of
19 the fiscal year next preceding the date of the payments, into a
20 special fund which shall be designated the "Second Injury
21 Fund", of which the State Treasurer is ex officio ~~ex-officio~~
22 custodian, such special fund to be held and disbursed for the
23 purposes hereinafter stated in paragraphs (f) and (g) of
24 Section 8, either upon the order of the Commission or of a
25 competent court. Said special fund shall be deposited the same
26 as are State funds and any interest accruing thereon shall be

1 added thereto every 6 months. It is subject to audit the same
2 as State funds and accounts and is protected by the General
3 bond given by the State Treasurer. It is considered always
4 appropriated for the purposes of disbursements as provided in
5 paragraph (f) of Section 8, ~~paragraph (f)~~, of this Act, and
6 shall be paid out and disbursed as therein provided and shall
7 not at any time be appropriated or diverted to any other use or
8 purpose.

9 On January 15, 1991, the employer shall further pay a sum
10 equal to one half of 1% of all compensation payments made by
11 him from January 1, 1990 through June 30, 1990 either under
12 this Act or under the Workers' Occupational Diseases Act,
13 whether by lump sum settlement or weekly compensation
14 payments, but not including hospital, surgical or
15 rehabilitation payments, into an additional Special Fund which
16 shall be designated as the "Rate Adjustment Fund". On March
17 15, 1991, the employer shall pay into the Rate Adjustment Fund
18 a sum equal to one half of 1% of all such compensation payments
19 made from July 1, 1990 through December 31, 1990. Within 60
20 days after July 15, 1991, the employer shall pay into the Rate
21 Adjustment Fund a sum equal to one half of 1% of all such
22 compensation payments made from January 1, 1991 through June
23 30, 1991. Within 60 days after January 15 of 1992 and each
24 subsequent year through 1996, the employer shall pay into the
25 Rate Adjustment Fund a sum equal to one half of 1% of all such
26 compensation payments made in the last 6 months of the

1 preceding calendar year. Within 60 days after July 15 of 1992
2 and each subsequent year through 1995, the employer shall pay
3 into the Rate Adjustment Fund a sum equal to one half of 1% of
4 all such compensation payments made in the first 6 months of
5 the same calendar year. Within 60 days after January 15 of 1997
6 and each subsequent year through 2005, the employer shall pay
7 into the Rate Adjustment Fund a sum equal to three-fourths of
8 1% of all such compensation payments made in the last 6 months
9 of the preceding calendar year. Within 60 days after July 15 of
10 1996 and each subsequent year through 2004, the employer shall
11 pay into the Rate Adjustment Fund a sum equal to three-fourths
12 of 1% of all such compensation payments made in the first 6
13 months of the same calendar year. Within 60 days after July 15
14 of 2005, the employer shall pay into the Rate Adjustment Fund a
15 sum equal to 1% of such compensation payments made in the first
16 6 months of the same calendar year. Within 60 days after
17 January 15 of 2006 and each subsequent year through 2024, the
18 employer shall pay into the Rate Adjustment Fund a sum equal to
19 1.25% of such compensation payments made in the last 6 months
20 of the preceding calendar year. Within 60 days after July 15 of
21 2006 and each subsequent year through 2023, the employer shall
22 pay into the Rate Adjustment Fund a sum equal to 1.25% of such
23 compensation payments made in the first 6 months of the same
24 calendar year. Within 60 days after July 15 of 2024 and each
25 subsequent year thereafter, the employer shall pay into the
26 Rate Adjustment Fund a sum equal to 1.375% of such

1 compensation payments made in the first 6 months of the same
2 calendar year. Within 60 days after January 15 of 2025 and each
3 subsequent year thereafter, the employer shall pay into the
4 Rate Adjustment Fund a sum equal to 1.375% of such
5 compensation payments made in the last 6 months of the
6 preceding calendar year. The administrative costs of
7 collecting assessments from employers for the Rate Adjustment
8 Fund shall be paid from the Rate Adjustment Fund. The cost of
9 an actuarial audit of the Fund shall be paid from the Rate
10 Adjustment Fund. The State Treasurer is ex officio custodian
11 of such Special Fund and the same shall be held and disbursed
12 for the purposes hereinafter stated in paragraphs (f) and (g)
13 of Section 8 upon the order of the Commission or of a competent
14 court. The Rate Adjustment Fund shall be deposited the same as
15 are State funds and any interest accruing thereon shall be
16 added thereto every 6 months. It shall be subject to audit the
17 same as State funds and accounts and shall be protected by the
18 general bond given by the State Treasurer. It is considered
19 always appropriated for the purposes of disbursements as
20 provided in paragraphs (f) and (g) of Section 8 of this Act and
21 shall be paid out and disbursed as therein provided and shall
22 not at any time be appropriated or diverted to any other use or
23 purpose. Within 5 days after December 7, 1990 (the effective
24 date of Public Act 86-1448) ~~this amendatory Act of 1990~~, the
25 Comptroller and the State Treasurer shall transfer \$1,000,000
26 from the General Revenue Fund to the Rate Adjustment Fund. By

1 February 15, 1991, the Comptroller and the State Treasurer
2 shall transfer \$1,000,000 from the Rate Adjustment Fund to the
3 General Revenue Fund. The Comptroller and Treasurer are
4 authorized to make transfers at the request of the Chairman up
5 to a total of \$19,000,000 from the Second Injury Fund, the
6 General Revenue Fund, and the Workers' Compensation Benefit
7 Trust Fund to the Rate Adjustment Fund to the extent that there
8 is insufficient money in the Rate Adjustment Fund to pay
9 claims and obligations. Amounts may be transferred from the
10 General Revenue Fund only if the funds in the Second Injury
11 Fund or the Workers' Compensation Benefit Trust Fund are
12 insufficient to pay claims and obligations of the Rate
13 Adjustment Fund. All amounts transferred from the Second
14 Injury Fund, the General Revenue Fund, and the Workers'
15 Compensation Benefit Trust Fund shall be repaid from the Rate
16 Adjustment Fund within 270 days of a transfer, together with
17 interest at the rate earned by moneys on deposit in the Fund or
18 Funds from which the moneys were transferred.

19 Upon a finding by the Commission, after reasonable notice
20 and hearing, that any employer has willfully and knowingly
21 failed to pay the proper amounts into the Second Injury Fund or
22 the Rate Adjustment Fund required by this Section or if such
23 payments are not made within the time periods prescribed by
24 this Section, the employer shall, in addition to such
25 payments, pay a penalty of 20% of the amount required to be
26 paid or \$2,500, whichever is greater, for each year or part

1 thereof of such failure to pay. This penalty shall only apply
2 to obligations of an employer to the Second Injury Fund or the
3 Rate Adjustment Fund accruing after December 18, 1989 (the
4 effective date of Public Act 86-998) ~~this amendatory Act of~~
5 ~~1989~~. All or part of such a penalty may be waived by the
6 Commission for good cause shown.

7 Any obligations of an employer to the Second Injury Fund
8 and Rate Adjustment Fund accruing prior to December 18, 1989
9 (the effective date of Public Act 86-998) ~~this amendatory Act~~
10 ~~of 1989~~ shall be paid in full by such employer within 5 years
11 of December 18, 1989 (the effective date of Public Act 86-998)
12 ~~this amendatory Act of 1989~~, with at least one-fifth of such
13 obligation to be paid during each year following December 18,
14 1989 (the effective date of Public Act 86-998) ~~this amendatory~~
15 ~~Act of 1989~~. If the Commission finds, following reasonable
16 notice and hearing, that an employer has failed to make timely
17 payment of any obligation accruing under the preceding
18 sentence, the employer shall, in addition to all other
19 payments required by this Section, be liable for a penalty
20 equal to 20% of the overdue obligation or \$2,500, whichever is
21 greater, for each year or part thereof that obligation is
22 overdue. All or part of such a penalty may be waived by the
23 Commission for good cause shown.

24 The Chairman of the Illinois Workers' Compensation
25 Commission shall, annually, furnish to the Director of the
26 Department of Insurance a list of the amounts paid into the

1 Second Injury Fund and the Rate Adjustment Fund by each
2 insurance company on behalf of their insured employers. The
3 Director shall verify to the Chairman that the amounts paid by
4 each insurance company are accurate as best as the Director
5 can determine from the records available to the Director. The
6 Chairman shall verify that the amounts paid by each
7 self-insurer are accurate as best as the Chairman can
8 determine from records available to the Chairman. The Chairman
9 may require each self-insurer to provide information
10 concerning the total compensation payments made upon which
11 contributions to the Second Injury Fund and the Rate
12 Adjustment Fund are predicated and any additional information
13 establishing that such payments have been made into these
14 funds. Any deficiencies in payments noted by the Director or
15 Chairman shall be subject to the penalty provisions of this
16 Act.

17 The State Treasurer, or his duly authorized
18 representative, shall be named as a party to all proceedings
19 in all cases involving claim for the loss of, or the permanent
20 and complete loss of the use of one eye, one foot, one leg, one
21 arm or one hand.

22 The State Treasurer or his duly authorized agent shall
23 have the same rights as any other party to the proceeding,
24 including the right to petition for review of any award. The
25 reasonable expenses of litigation, such as medical
26 examinations, testimony, and transcript of evidence, incurred

1 by the State Treasurer or his duly authorized representative,
2 shall be borne by the Second Injury Fund.

3 If the award is not paid within 30 days after the date the
4 award has become final, the Commission shall proceed to take
5 judgment thereon in its own name as is provided for other
6 awards by paragraph (g) of Section 19 of this Act and take the
7 necessary steps to collect the award.

8 Any person, corporation or organization who has paid or
9 become liable for the payment of burial expenses of the
10 deceased employee may in his or its own name institute
11 proceedings before the Commission for the collection thereof.

12 For the purpose of administration, receipts and
13 disbursements, the Special Fund provided for in paragraph (f)
14 of this Section shall be administered jointly with the Special
15 Fund provided for in paragraph (f) of Section 7, ~~paragraph (f)~~
16 of the Workers' Occupational Diseases Act.

17 (g) All compensation, except for burial expenses provided
18 in this Section to be paid in case accident results in death,
19 shall be paid in installments equal to the percentage of the
20 average earnings as provided for in paragraph (b) of Section
21 ~~8, paragraph (b)~~ of this Act, at the same intervals at which
22 the wages or earnings of the employees were paid. If this is
23 not feasible, then the installments shall be paid weekly. Such
24 compensation may be paid in a lump sum upon petition as
25 provided in Section 9 of this Act. However, in addition to the
26 benefits provided by Section 9 of this Act where compensation

1 for death is payable to the deceased's widow, widower or to the
2 deceased's widow, widower and one or more children, and where
3 a partial lump sum is applied for by such beneficiary or
4 beneficiaries within 18 months after the deceased's death, the
5 Commission may, in its discretion, grant a partial lump sum of
6 not to exceed 100 weeks of the compensation capitalized at
7 their present value upon the basis of interest calculated at
8 3% per annum with annual rests, upon a showing that such
9 partial lump sum is for the best interest of such beneficiary
10 or beneficiaries.

11 (h) In case the injured employee is under 16 years of age
12 at the time of the accident and is illegally employed, the
13 amount of compensation payable under paragraphs (a), (b), (c),
14 (d), e and (f) of this Section shall be increased 50%.

15 Nothing herein contained repeals or amends the provisions
16 of the Child Labor Law of 2024 relating to the employment of
17 minors under the age of 16 years.

18 However, where an employer has on file an employment
19 certificate issued pursuant to the Child Labor Law of 2024 or
20 work permit issued pursuant to the Federal Fair Labor
21 Standards Act, as amended, or a birth certificate properly and
22 duly issued, such certificate, permit or birth certificate is
23 conclusive evidence as to the age of the injured minor
24 employee for the purposes of this Section only.

25 (i) Whenever the dependents of a deceased employee are
26 noncitizens not residing in the United States, Mexico or

1 Canada, the amount of compensation payable is limited to the
2 beneficiaries described in paragraphs (a), (b)1 and (c) of
3 this Section and is 50% of the compensation provided in
4 paragraphs (a), (b)1 and (c) of this Section, except as
5 otherwise provided by treaty.

6 In a case where any of the persons who would be entitled to
7 compensation is living at any place outside of the United
8 States, then payment shall be made to the personal
9 representative of the deceased employee. The distribution by
10 such personal representative to the persons entitled shall be
11 made to such persons and in such manner as the Commission
12 orders.

13 (Source: P.A. 102-1030, eff. 5-27-22; 103-590, eff. 6-5-24;
14 103-721, eff. 1-1-25; revised 10-10-24.)

15 Section 9995. No acceleration or delay. Where this Act
16 makes changes in a statute that is represented in this Act by
17 text that is not yet or no longer in effect (for example, a
18 Section represented by multiple versions), the use of that
19 text does not accelerate or delay the taking effect of (i) the
20 changes made by this Act or (ii) provisions derived from any
21 other Public Act.

22 Section 9996. No revival or extension. This Act does not
23 revive or extend any Section or Act otherwise repealed.

24 Section 9999. Effective date. This Act takes effect upon

1 becoming law.

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